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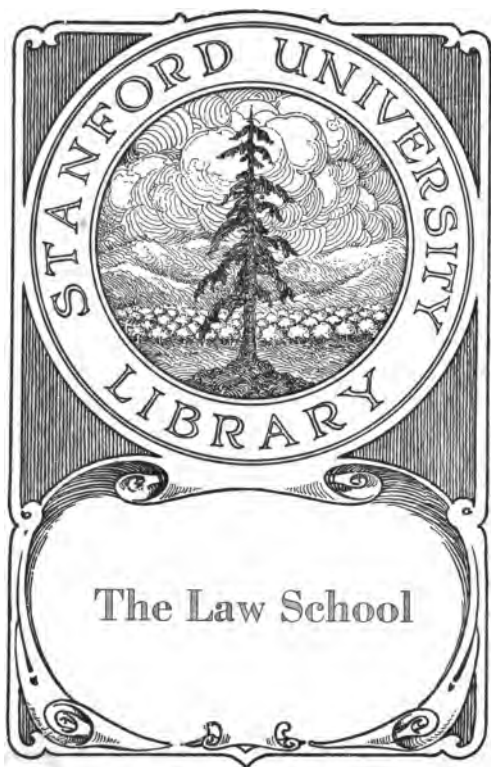
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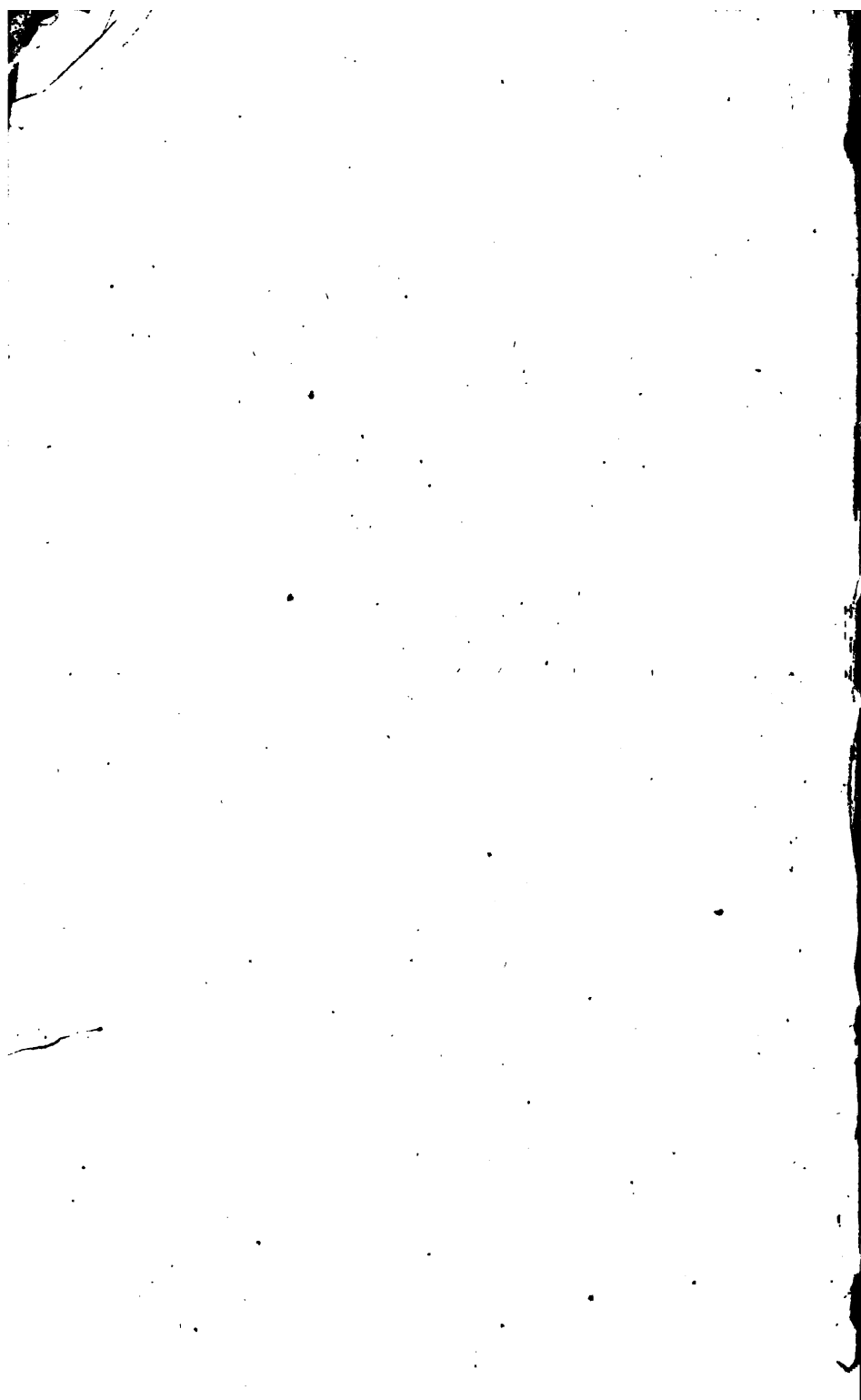
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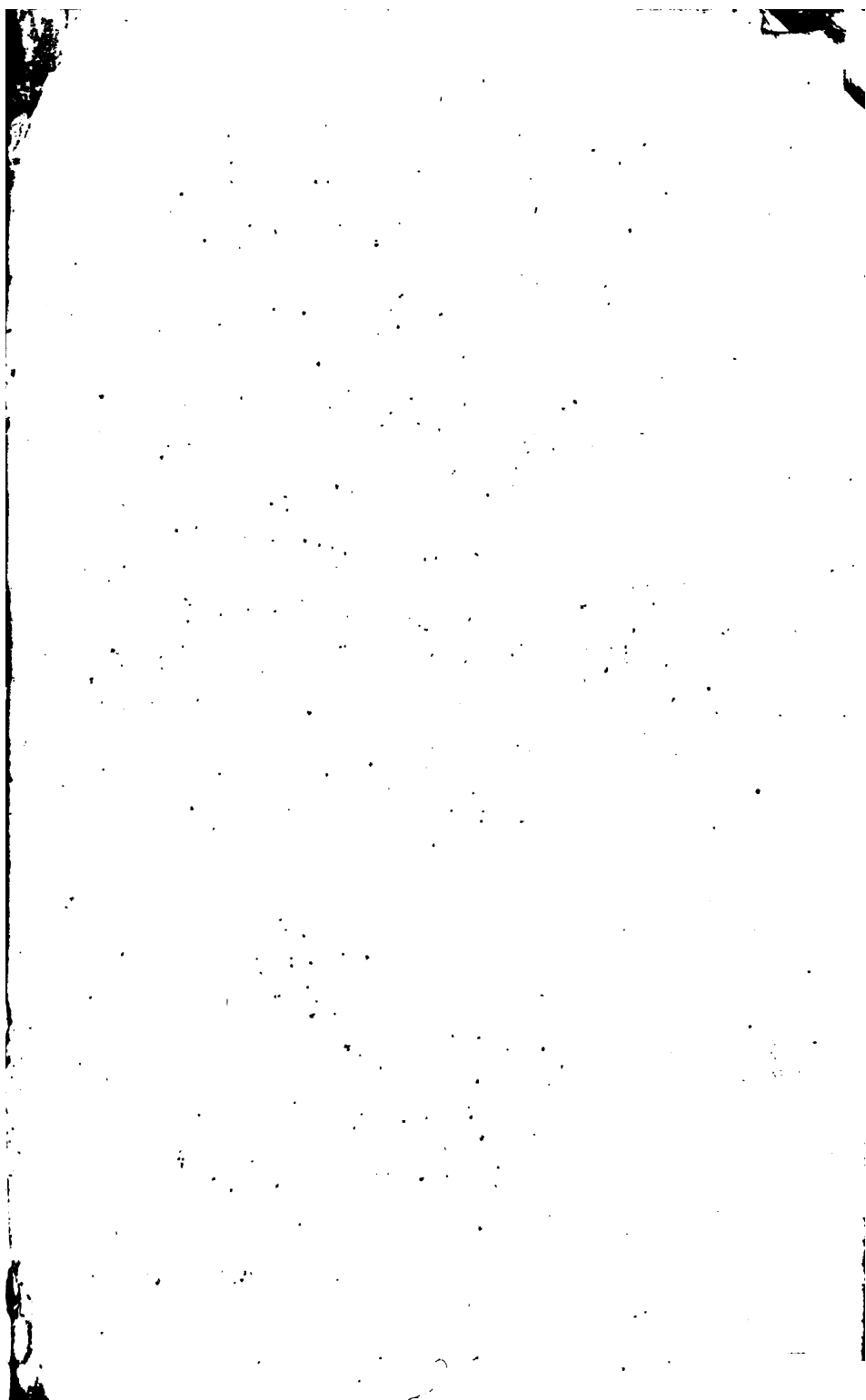
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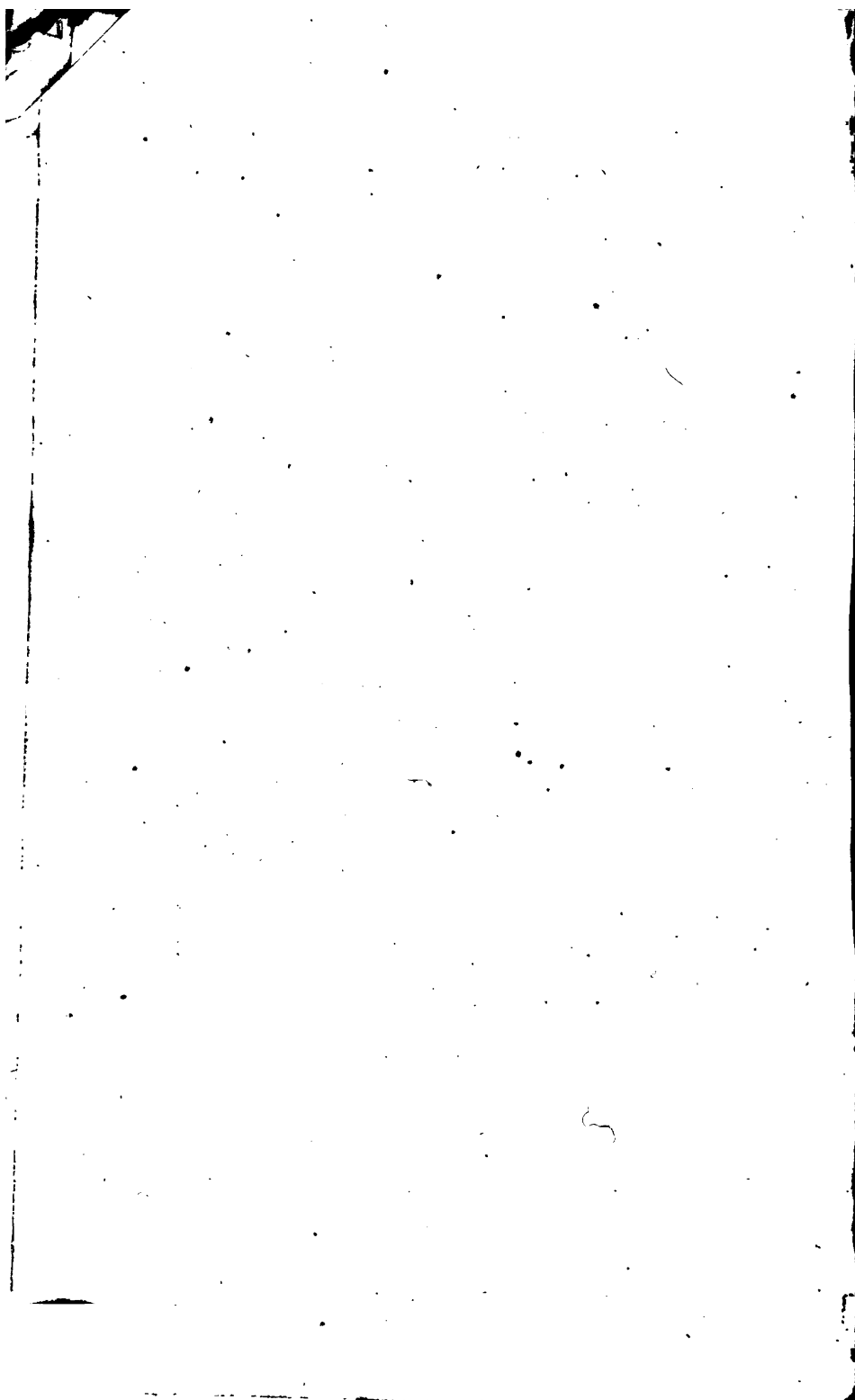
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Kentucky Collection







ACTS

PASSED AT THE FIRST SESSION .

OF

THE THIRTY-NINTH GENERAL ASSEMBLY

FOR

THE COMMONWEALTH OF KENTUCKY,

BEGUN AND HELD IN THE TOWN OF FRANKFORT,

ON MONDAY, THE SIXTH DAY OF DECEMBER, IN THE YEAR EIGHTEEN
HUNDRED AND THIRTY, AND OF THE COMMON-
WEALTH THE THIRTY-NINTH.

THOMAS METCALFE, GOVERNOR.

PUBLISHED BY AUTHORITY.

FRANKFORT.

JACOB H. HOLEMAN, STATE PRINTER.

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1831.

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CONTENTS.

PAGE.	PAGE.
AN ACT for the benefit of the sheriffs of Bath and Montgomery counties.	9
To authorize the insertion of certain advertisements in the "Political Examiner, and General Recorder," and in the "American" and "Union."	9
To repeal an act, entitled "an act to amend the law, in relation to opening and repairing the public roads, in certain counties, so far as the same embraces the county of Bath, and for other purposes."	10
To incorporate the Madison Library.	11
For the benefit of the clerk of the Spencer circuit court, and the clerk of the circuit and county courts of Clay.	12
To organize a fire company in the town of Paris.	13
To increase the powers of the trustees of the town of Smithland.	15
For the benefit of James Honaker.	16
For the benefit of Jesse B. Bernard.	16
To incorporate the trustees of the Pilot Knob meeting house, in Simpson county.	17
To authorize the trustees of the town of New-Castle, to sell a part of the public ground in said town.	17
For the relief of Daniel Trabue, and others.	18
To continue in force, "an act for the benefit of the Head-right and Tellico settlers, and for other purposes."	19
To legalize the election of trustees for the town of Liberty.	19
To change the time of holding the Morgan county court.	19
To authorize the appointment of additional constables and justices of the peace in certain counties.	20
To authorize the county courts of Hardin and Knox counties, to appoint additional constables, and for other purposes.	20
For the benefit of Andrew Woodley.	21
Concerning election precincts in certain counties.	22
To change the time of holding the county courts in certain counties, and for other purposes.	23
To amend "an act to provide for the erection of two bridges across Rockcastle river, approved, January 29, 1830."	24
Allowing additional justices of the peace to certain counties.	24
To incorporate the trustees of Liberty meeting house, in Logan county.	25
To amend the Duelling law.	25
To change the time of holding the Simpson, Todd and Lewis circuit courts, and for other purposes.	26
To authorize the board of internal improvement for Shelby county, to erect a toll gate.	27
To authorize David and John Trimble, to erect a dam across Little Sandy river, at the Blue ripple.	27
Authorizing Silas M. Williams, to erect a dam and mill, on Big Barren river.	28
For the benefit of Archibald Frizel, coroner of Lewis county.	28
To amend the "act regulating the appropriation of fines and forfeitures," so far as regards the counties of Christian, Madison, Russell and Estill.	28
To amend an act, entitled "an act for the improvement of the road from Mountsterling, by way of Irvine and Manchester, to intersect the Wilderness state road."	30
For the benefit of William Winslow, clerk of the Gallatin circuit court, and for the benefit of the clerk of Anderson circuit and county courts.	30
To alter the time of holding the county courts of Barren county.	31
To extend the terms of the Nelson circuit court, and to alter the terms of the Washington circuit court, and for other purposes.	31
To authorize "The Frankfort Argus" to publish advertisements.	32

CONTENTS.

PAGE.	PAGE.
To amend an act "authorizing certain county courts to appoint reviewers to view a way from Thomas Kennedy's in Garrard county, to the Green river Salt Works." 32	For the benefit of the sheriff of Edmonson county. 54
For the benefit of Morton A. Rucker, late sheriff of Caldwell county. 33	For the benefit of Lucy and John Hackley. 55
For the benefit of James Morse. 33	For the benefit of the sheriff of Boone county. 55
To amend "an act to establish an election precinct in Green county, approved the 16th December, 1829, and to establish election precincts in sundry counties. 34	To establish the town of Moscow, in Hickman county, and to incorporate a seminary of learning in said town, and for other purposes. 56
For the benefit of Joshua Cates. 35	To authorize James Jones, to build a mill dam across the south fork of Little Barren river. 58
For the benefit of Ann Eliza Nelson. 37	To amend an act, entitled "an act to organize two fire companies in the town of Lexington," and for other purposes. 59
To incorporate a turnpike road company, from Louisville to Bardstown, and on to Springfield and Lebanon. 37	To amend an act, entitled "an act for the benefit of the surveyor of Hopkins county." 60
To add part of Pulaski county to the county of Wayne. 47	To amend an act, entitled "an act for the benefit of Elizabeth Griffin, and for other purposes; approved, January 23, 1818." 61
For the benefit of James F. Robinson, and others. 47	For the benefit of Tabitha Alford. 61
For the benefit of Thomas Griffey. 48	To amend the several acts incorporating the Louisville turnpike company. 62
To authorize the county court of Christian county, to open a road from Hopkinsville to Edward Wooldridge's Coal Banks in said county. 48	To authorize the overseer of the Crab Orchard and Wilderness road, to work on water street in the town of Mount Vernon. 62
To appropriate some of the vacant lands of Casey county, to improve the road leading from the town of Liberty to where the said road crosses the Rolling Fork, near Timothy Goode's, in a direction to Springfield, and for other purposes. 48	Providing for the appointment of Commonwealth's Attorneys. 63
To authorize certain county courts to permit gates to be erected across certain roads. 50	To authorize the Editor of "The Gleaner and Cynthiana Republican," to publish advertisements. 64
To establish an election precinct in the county of Washington. 51	For the benefit of Jacob Ward and William Fisher. 65
To give additional powers to the trustees of the town of Shelbyville. 52	To extend the law concerning private passways. 66
To amend the several laws establishing and regulating the town of Covington. 52	For the benefit of John Montee. 67
To divorce Elizabeth Fannan from her husband, Joseph Fannan. 53	To amend an act, entitled "an act establishing a turnpike on the road leading from Georgetown to Cincinnati, and for other purposes, approved, February 8th, 1819." 68
For the benefit of James Herrod. 53	For the benefit of Christopher Heavner. 69
To authorize persons prosecuted for felony in the county of Hancock, to be confined in the jail of Breckinridge. 54	To permit James Lewis to build a mill dam on the north fork of the Kentucky river. 69
	To establish a state road from Hopkinsville by the way of Cadiz, Canton, J. C. Pentecost's

CONTENTS.

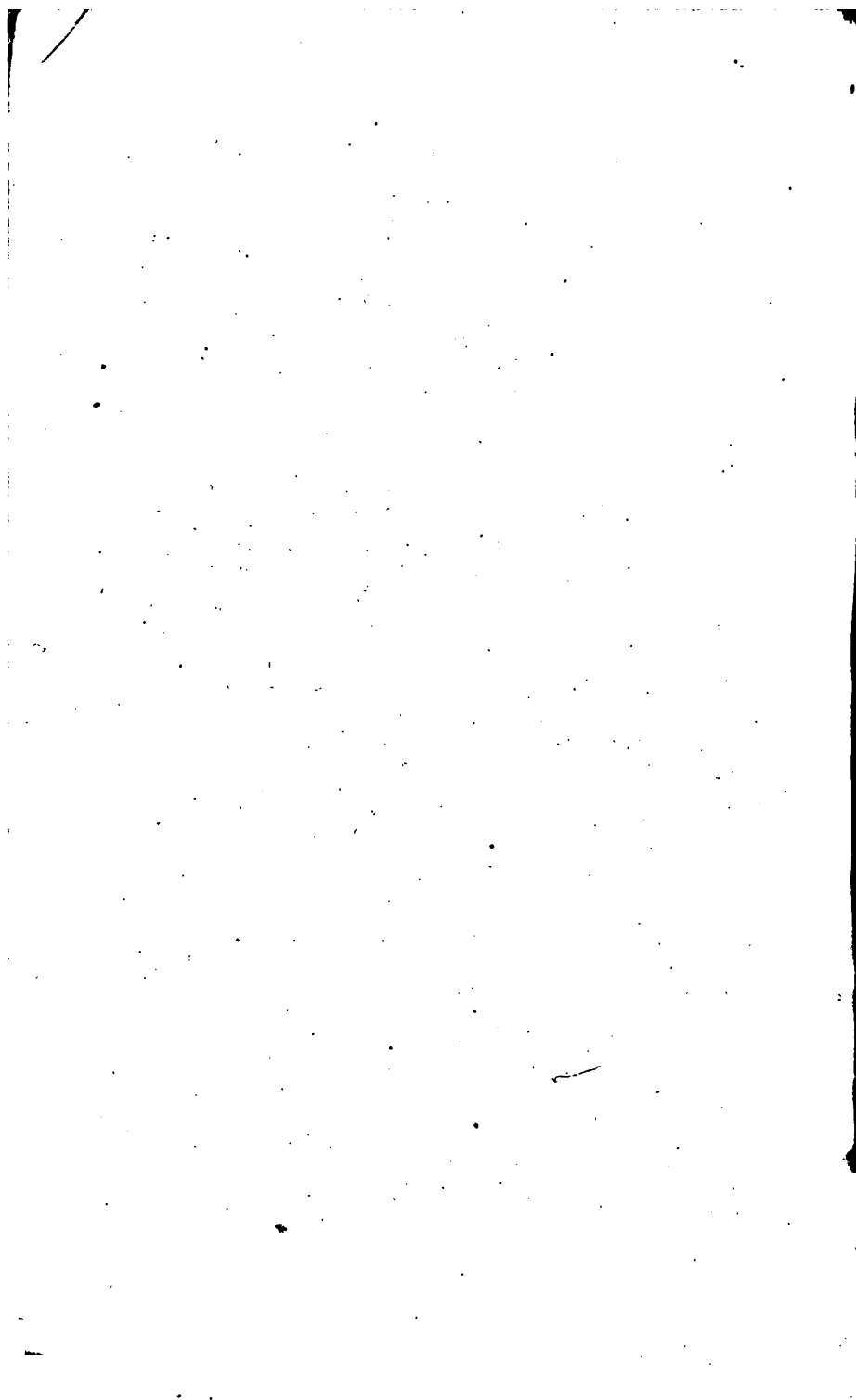
PAGE.	PAGE.
ferry, on the Tennessee river, Waidsboro' and Mayfield, to the town of Columbus, on the Mississippi river.	86
To make some changes in the state road in Floyd and Morgan county.	88
To extend the terms of the Oldham, Bullitt, and Spencer circuit courts.	89
To change the venue for the trial of David Turnham.	90
To appoint commissioners to settle with the trustees of the Estill seminary lands, and for other purposes.	90
To change the time of holding the circuit courts in the fourth judicial district, and for other purposes.	91
To change the place of voting in the upper precinct in Monroe county, and for other purposes.	91
To add part of Ohio county to Breckinridge.	91
To authorize the publishing advertisements in the Louisville Journal.	92
For the benefit of Stephen Richardson, Jackson D. Jamieson and John Emberson Brown.	92
For the benefit of Samuel Blain.	94
To change the time of holding certain circuit courts.	95
To appropriate the fines and forfeitures of Monroe county, to the improvement of the roads in said county, and for other purposes.	96
To confirm an order of the county court of Perry, allowing Jeremiah Combs to build a mill dam across the north fork of the Kentucky river.	97
To amend an act, entitled "an act to change the boundary line between Rockcastle and Laurel counties, approved, January 27, 1830."	97
For the benefit of the Washington academy.	99
To establish an election precinct in the county of Henderson, and in the county of Hopkins.	99
For the benefit of John Staton.	100
To establish the town of Celamansville.	104
For the benefit of the heirs of	
Quinton Stewart and John Hawkins.	86
Establishing the town of "Poplar Plains" in Fleming county.	88
For the benefit of the actual settlers west of the Tennessee river.	89
To amend the law in relation to keeping the public roads in repair.	90
To improve certain roads in Caldwell county.	90
For the relief of the commissioners of the lunatic asylum, and for other purposes.	91
To amend an act, entitled "an act for the benefit of Jereboam Beauchamp, approved, January 1829."	91
Directing the county courts of the counties through which the state road from Cloverport to Bowlinggreen passes, to appoint surveyors to keep the same in repair.	91
To repeal an act, entitled "an act for the purpose of having the Edmonson county line run from White's to Hunter's; and also to run the line between Edmonson and Barren, approved, Jan. 29, 1830."	92
To improve the navigation of the Big South fork of Cumberland river, and for other purposes.	92
To amend the law of descents, and for the distribution of intestate's estates.	94
To establish an election precinct in Livingston county, and for other purposes.	95
For the benefit of M'Ilvain and Smith.	96
For the benefit of William Crook.	97
For the benefit of the heirs of James M'Collom, deceased and others.	97
To authorize the justices of Hancock county, to increase the county levy.	99
To authorize the sale of an alley in the town of Mountsterling.	99
Making an appropriation to aid in the repair of the Sandy road, and to authorize a turnpike gate thereon.	100
To regulate the criminal terms of the Jefferson circuit court.	104
To authorize Thomas Taylor, jr.	

PAGE.	PAGE.
and the heirs of George Shrader, dec'd. to build a mill dam across Rough creek, in Ohio county. 105	To amend the laws regulating conveyances, 128
To legalize the proceedings of the Whitley and Laurel county courts. 106	To amend the several laws concerning the town of Lexington. 133
Authorizing the sale of the Baptist meeting house and lot, in Mountsterling. 106	Further to regulate the towns of Springfield and New Castle. 134
To change the venue in the cases of James M'Kinney and William Palmore. 107	For the benefit of the heirs of Elizabeth Jones. 135
To regulate the constable districts in the county of Henry, and to reduce the number to eight. 109	Further to regulate the public roads in Washington county. 136
For the benefit of the committee and family of John Atcheson, and for the benefit of John Lear's heirs. 110	To compel William Feland, late justice of the peace for Warren county, to surrender up his records and papers to Thomas S. Denton, justice of the peace in Barren county. 137
For the benefit of John H. Rudd and others. 112	For the appropriation of money. 138
For the benefit of Peleg Underwood. 113	To amend an act, entitled "an act to incorporate a company to build a bridge across Salt river, at the town of Taylorsville." 141
For the benefit of revolutionary soldiers. 113	To extend and alter the terms of certain circuit courts of this Commonwealth. 143
For the benefit of John Judd. 114	Confirming the right of David and John Trimble, in the erection of a dam at their iron works, on Little Sandy river, in Greenup county. 144
To provide for the opening a road from Frankfort to King's ferry on the Ohio river, by the way of New-Castle, in Henry county. 114	To provide for completing the road from Beaver iron works, in Bath county, by way of West Liberty, to Louisa. 145
To authorize a subscription in the stock of the Maysville, Washington, Paris and Lexington turnpike road company, and to amend the several acts incorporating said company. 117	To prevent further confiction in land claims, and to secure to seaters and improvers, a preference of location to lands improved by them. 147
To amend the law "to establish a state road from the mouth of Salt river, to intersect the state road leading from Brandenburg to Bowlinggreen, approved, January 15, 1829." 118	Restoring the ferry privileges, to the town of Columbus. 148
To establish John Hanna's ware house. 118	To incorporate the bayou de Chien navigation company. 150
To establish and open a road in Barren county. 119	Appointing a keeper of the penitentiary. 156
To incorporate the literary institution of St. Rose, in Washington county. 119	To amend an act, entitled "an act to provide for the erection of two bridges across Rock Castle river." 157
For the benefit of the heirs of William Ricks. 122	To allow additional justices of the peace to certain counties. 158
To authorize the stockholders of the Frankfort bank, to elect an agent to close the concerns of said bank, and for other purposes. 123	For the benefit of the widow and heirs of James Ladd, deceased. 158
Repealing all laws allowing licenses to billiard table keepers, and for other purposes. 124	For the benefit of the heirs of Elizabeth Geddings. 160
	For the relief of the sheriff of Galatin county. 161
	To establish a new judicial district. 161
	To authorize the sheriff of Monroe

CONTENTS.

vii

PAGE.	PAGE.
county, to execute bond for the collection of revenue tax, and county levy of said county.	and wilderness state road, and for other purposes. 181
To incorporate the trustees of Mount Pleasant school house, in Franklin county. 162	For the benefit of Wm. Hardin. 181
For the benefit of Eli Bently. 163	To amend an act, entitled "an act to amend an act, to establish an election precinct in Green county, approved, 16th Dec. 1829, and to establish an election precinct in sundry other counties." 182
For the benefit of John Woolford, of Casey county. 164	Further to regulate the Whitley turnpike road. 182
For the benefit of James Lockridge. 164	For the benefit of the county of Bracken. 185
For the benefit of the heirs of Henry Perkins, dec'd, and others. 165	To amend the road law, in the county of Greenup. 185
To amend the laws in relation to Guardians. 167	To incorporate the Lexington and Kentucky turnpike road company. 189
Providing for the erection of a tomb stone, over the grave of the late gen. John Caldwell, and for other purposes. 168	For the benefit of the administrator of Barnett Rodges, of Boone county. 200
For the benefit of Gustavus Brown. 168	To provide for the improvement of the road from the Estill county line, by way of Perry court house, to the Virginia state line. 200
Appointing commissioners to review a state road, leading from Owenton to Ghent, on the Ohio river. 169	To amend an act, entitled "an act to constitute a board of internal improvement, for Shelby county, approved, January 29, 1830." 203
To amend "an act, further to regulate the bank of the Commonwealth, approved, January 29, 1830." 170	To authorize the trustees of the Woodford academy, to make sale of certain property. 210
To authorize the county court of Casey to change the location of the state road, through the lands of Charles Vandiver, in said county. 171	To incorporate the Frankfort and Lexington turnpike road company. 210
For the benefit of William Thomas, of Casey county. 171	To improve Muldrough's hill, on the road leading from Lexington to Nashville. 213
To authorize the executors of Samuel Givens, deceased, to convey lands, sold by said Givens, in his lifetime. 171	Supplemental to an act, "to amend the law concerning the powers of trustees of the town of Glasgow, and for other purposes." 216
To amend the laws concerning the powers of the trustees of the town of Glasgow, and for other purposes. 173	For the benefit of the heirs of Nehemiah Webb, deceased. 216
For the benefit of the devisees of John Donaldson, George Stockton and James Lewis. 176	To provide for opening a road from the mouth of Shelby's creek, on Sandy river, to the top of Cumberland mountain, in a direction to Jonesborough, in Tennessee. 217
For the benefit of Lydia M'Cord, and her infant children. 178	RESOLUTIONS. 219
To authorize the Nicholas county court, and the trustees of the town of Carlisle, to appropriate money to purchase a fire engine for the use of said town. 180	INDEX. 225
To regulate the Madison and Crab Orchard gates, on the turnpike	



ACTS
OF
THE GENERAL ASSEMBLY
OF THE
COMMONWEALTH OF KENTUCKY.

CHAP. CCCXCI.

*AN ACT for the benefit of the Sheriff's of Bath and
Montgomery Counties.*

1830.

Approved, December 10, 1830.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the sheriff of Bath county, be allowed, until the 1st day of January, 1831, to return his delinquent list of revenue, for the year 1828; any law to the contrary notwithstanding. Further time given to return certain delinquent lists.

Sec. 2. *Be it further enacted,* That the sheriff of Montgomery county, shall have until the next court of assessment, for the 34th regiment of Kentucky Militia, to return his delinquent list of Militia fines, for the years, 1827, 1828 and 1829.

CHAP. CCCXCII.

AN ACT to authorize the insertion of certain advertisements in the "Political Examiner, and General Recorder," and in the "American" and "Union."

Approved, December 10, 1830.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the "Political Examiner, and General Recorder," a newspaper printed in Shelbyville. and the "American" and "Union," newspapers printed in the town of Harrodsburg, shall be, and are hereby authorized to publish all advertisements which are authorized, or required by law, except such as are required by law to be published in the paper of the

1830. public printer exclusively; and all publications and advertisements made in said papers, shall be as good and valid, as if made in any other authorized newspaper in this State; and it shall be lawful for the editor's of said papers, to make such certificates, and charge such fees, as are authorized to be made and charged, in any other authorized newspaper in this Commonwealth.

CHAP. CCCXIII.

AN ACT to repeal an act, entitled "an act to amend the law, in relation to opening and repairing the public roads, in certain counties, so far as the same embraces the county of Bath, and for other purposes."

Approved, December 10, 1830.

The act of 1830, repealed, so far as relates to Bath county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an act, entitled "an act to amend the law, in relation to opening and repairing public roads, in certain counties, approved, January 29, 1830," so far as the same embraces, and applies to the county of Bath, be and the same is hereby repealed.

The laws of a general nature, relating to roads, re-enacted, and declared to be in force therein.

SEC. 2. *Be it further enacted*, That all the laws of this Commonwealth, of a general nature, in relation to opening, repairing, changing and discontinuing of public roads; and all laws as aforesaid, providing for the punishment of all infractions thereof, which were in force in said county, before the passage of said first recited act, and the adoption thereof, by the county court of said county, be and the same are hereby re-enacted, and declared to be in force in said county.

Duties prescribed to the county court thereof, in relation to their roads, &c.

SEC. 3. *Be it further enacted*, That it shall be the duty of the county court of said county of Bath, so soon as may be after the passage of this act, to proceed agreeably to the provisions of the laws, hereby re-enacted, either by reference to their former orders, or otherwise to lay off said county into road precincts, appoint surveyors, and do all other acts required of the several county courts in this Commonwealth, by the said recited acts, in relation to public roads.

CHAP. CCCXCIV.

1830.

AN ACT to incorporate the Madison Library.

Approved, December 10, 1830.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the present, and those who may hereafter become shareholders of the Madison Library, and their successors, be, and they are hereby, made and constituted a body politic and corporate, by the name of the "Madison Library Company;" and by that name, shall have perpetual succession, and a common seal, with power to break, alter, or change the same at pleasure.

The Madison library company incorporated.

SEC. 2. *Be it further enacted*, That the said corporation, shall have full power to purchase and receive, hold, sell, and convey, any such property as they may deem necessary, for the advantage of said company; and by their corporate name, sue and be sued, implead and be impleaded, in any court of law and equity in this Commonwealth; and shall have full power to make any by-laws, which they may deem expedient for the government of said company, not repugnant to the laws of this state.

Corporate powers, and privileges granted the corporation.

SEC. 3. *Be it further enacted*, That the officers of the corporation shall be a President, six Directors, Secretary, Treasurer and Librarian, to be elected annually, by the stockholders of said company, provided, a majority of shareholders, either personally or by proxy, shall be necessary to elect said officers; and that each stockholder shall be entitled to one vote for each share he owns.

Shareholders to elect officers annually

SEC. 4. *Be it further enacted*, That the president and directors, shall have power, to fix the price of shares, to direct how they may be transferred; procure by purchase, rent, or otherwise, a suitable building for keeping the library; to fill vacancies, that may happen between the annual meetings of the society; to levy and collect fines and forfeitures, and an annual tax upon each share; and to transact all matters appertaining to said corporation, agreeable to the rules and by-laws thereof. *Provided*, Not less than a majority of the Directors with the President, shall be a quorum to do business. And, *provided further*, That the annual tax upon each share, shall not be less than fifty cents, nor more than one dollar.

Powers of the president and directors.

Provide.

1830.

Duty of the
secretary,
treasurer and
librarian.

Sec. 5. *Be it further enacted*, That the president and directors shall cause the secretary, treasurer and librarian, to keep, in suitable books, just and proper entries of all the proceedings and accounts of the company, and have the same before the company, at each annual meeting, and shall deliver the books, together with the property of the company, which may be in their hands, in good order, to their successors in office.

Elections for
officers to be
held annual-
ly, in Dec.
Proviso.

Sec. 6. *Be it further enacted*, That the first election for officers, shall be held in the Library room, on the third Thursday in December, instant; and on the same day in every year thereafter. *Provided*, That the president and directors shall hold their office, until superseded by an election for other officers, at their annual meeting.

Shares may
be transferred
or relinquish-
ed.

Sec. 7. *Be it further enacted*, That each shareholder shall be at liberty, at all times, to transfer or relinquish his share, or shares, and shall forever thereafter, be released from all further contributions on account thereof.

CHAP. CCCXCV.

AN ACT for the benefit of the Clerk of the Spencer Circuit Court, and the Clerk of the Circuit and County Courts of Clay.

Approved, December 11, 1830.

Further time
given them to
renew their
official bonds.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the clerk of the Spencer circuit court, and the clerk of the Clay circuit and county courts, shall have the further time of six months from the passage of this act, to renew their official bonds; which, when renewed, shall be as good and valid in law, to all intents and purposes, as though the same had been renewed within the time prescribed by law. *Provided, however*, That said bonds, when executed, shall have a condition therein, stipulating, that all duties prescribed by law in their offices, have been duly performed, since the expiration of their former bonds.

Proviso.

Further time
given the
clerk of the
Spencer cir-

Sec. 2. *Be it further enacted*, That it shall be lawful for the clerk of the Spencer circuit court, to make out a list of the suits brought at the May and August terms, 1830, and lay the same before the county

court of Spencer county, for examination and approval; as also, the amount of money collected by him on seals, appeals, &c. and all money collected for revenue purposes; which shall also be sworn to by said clerk, and recorded, as now required by law; and such accounts so made out, shall be transmitted to the Auditor of public accounts, within the time now prescribed by law, and shall be as effectual and valid, as though the same had been made out and transmitted, in conformity to the laws now in force.

1830.

court, to make out lists of suits brought, and taxes received, &c.

CHAP. CCCXCVI.

AN ACT to organize a Fire Company in the town of Paris.

Approved, December 21, 1830.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That any of the citizens of the town of Paris, not exceeding forty in number, shall be, and they are hereby authorized to organize a Fire Company, which as soon as twenty persons shall have joined, may proceed to the election of one Captain, one first and one second Lieutenant, one President and one Clerk; the said officers to appoint such other officers, and to adopt all such regulations and by-laws as may be considered necessary for the management of said company.

The citizens of said town may organize a fire company, and elect officers, &c.

Sec. 2. Said company shall at least once in every two months, convene on the public square of said town, or elsewhere, and under the control of the officers, practise themselves in the use and working of their engine, not less than one hour, and shall not be compelled to continue on duty at each time more than two hours.

To practise the use of their engine, once every two months.

Sec. 3. It shall be the indispensable duty of each officer and member of said company, when alarms of fire are given, to meet promptly, with their engine, buckets and other apparatus, at the place where the fire shall happen, to extinguish the same.

To attend punctually, when alarms of fire are given.

Sec. 4. The senior officer present shall take command, being ranked as named in this act, and shall have power to enforce all proper orders made by him, at any meeting of said company, for the purpose of

Power and duty of the officers of the company.

1880.

exercise, or at any actual fire, upon the members of his said company; and at every actual fire, he and every other officer of said company, may consider each citizen of said town, who shall be present at such fire, as a member of said company; and he and other officers in command, at such fire, shall have power to enforce such citizens present, to act as members of said company, to aid in the extinguishment of such fire, under such penalties as shall be fixed by this law.

May inflict
fines on the
members of
the company,
or citizens,
for disobedience of
orders, &c. on
those occasions.

Sec. 5. Any member of said company, for failure of duty, non-attendance, disobedience of orders, or other improper conduct, whilst on service, shall be liable to a fine not exceeding three dollars, nor less than fifty cents. And any citizen of said town, who shall not be a member of said company, but who shall be present at any actual fire, and who shall refuse to obey any order or direction of any officer of said company, to aid in extinguishing such fire, shall be liable to a fine, not exceeding three dollars, nor less than fifty cents.

The officers
of the company
to constitute a board
to assess
fines, &c.

Sec. 6. The captain, two lieutenants, treasurer and clerk, shall constitute a board of assessment, a majority of whom shall form a quorum, to assess fines, and to hear and determine all other cases presented to them, under this law and the by-laws of the company; and all fines which shall be assessed by said board, shall be put into the hands of some constable as soon as may be by the clerk, for collection, who shall collect the same as soon as possible, and when so collected, pay the same over to the treasurer of said company. And said constable, may be proceeded against by the captain of said company, for failure of duty or delinquency, in the same manner that constables may be proceeded against in like cases.

Mode of collecting
fines.

Duties of the
clerk and
treasurer.

Sec. 7. The clerk shall keep a book, in which he shall record whatever may be done by the company and board aforesaid; and the treasurer shall keep a book to enter all money received and paid by him; both of which books shall be open at all times, to the inspection of any member of said company, or any citizen of said town.

Mode of appropriating
fines.

Sec. 8. The fines so collected and paid over to the treasurer, shall be appropriated by the board in building or repairing their engine house, engine,

purchasing hose, ladders, buckets and other necessary instruments and apparatus used by Fire Companies. 1830.
 All orders for money to be drawn by the commandant of the company on the treasurer, and countersigned by the clerk.

Sec. 9: The said board shall have power to require The citizens of each citizen of said town, who shall be the owner of of the town property in the same, to furnish a certain number of to furnish fire buckets made of leather. The number of buckets buckets. to be regulated by the value of property owned by each citizen, and that value to be ascertained by the commissioners' books for town tax. And each citizen who shall fail to furnish himself with the number of buckets required by said board, and at all times to keep them for the service of said company, shall be liable to a fine of twenty five cents for each bucket so wanting, the same to be assessed, collected and appropriated as other fines under this law. Penalty for failure.

Sec. 10. The officers and members of said company, so long as they continue such, shall be exempt from militia duty (in time of peace.) *Provided*, That no member of any volunteer company of infantry or artillery in said town, shall be privileged with such exemption. Officers and members exempted from militia duty. *Proviso.*

Sec. 11. Nothing in this act shall be so construed as *Proviso.* to divest the trustees of Paris, of any property they may now hold in the said engine, ladders, buckets and apparatus; but the said trustees shall have power to resume the possession and control of the same, when they deem proper.

All laws coming in conflict with the provisions of this act, shall be, and the same are hereby repealed. Repealing clause.

CHAP. CCCXCVII.

AN ACT to increase the powers of the Trustees of the Town of Smithland.

Approved, December 21, 1830.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the powers of the trustees of the town of Smithland, in the county of Livingston, be and they are hereby increased, so as to enable said trustees to lay and collect a tax, not exceeding The trustees authorized to levy and collect additional taxes.

1830. the sum of one hundred and sixty dollars per annum, on the property which is now subject to taxation in said town; to be by the said trustees, laid out and expended as a majority thereof may think necessary, for the improvement of said town.

CHAP. CCCXCVIII.

AN ACT for the benefit of James Honaker.

Approved, December 21, 1830.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, on the application of James Honaker, to the Auditor of public accounts, he is hereby authorized and required, to issue his warrant (in favor of the said James Honaker,) on the Treasurer, for the sum of fourteen dollars, to be paid out of any money in the Treasury, not otherwise appropriated; as a compensation for money advanced by the said Honaker, in procuring copies of the charter of the Bank of North Carolina, to be read as evidence against Reuben Smith, in the Pike circuit court on a charge of felony.

CHAP. CCCXCIX.

AN ACT for the benefit of Jesse B. Bernard.

Approved, December 21, 1830.

WHEREAS, Jesse B. Bernard, was employed by commissioners appointed by the county court of Logan, to build a bridge across the middle fork of Red River, and has completed the same for a stipulated sum, for which he undertook the said work: And, *whereas*, it is represented by the said commissioners, that owing to the difficulty of procuring rock, and other impediments which intervened, not foreseen by the said Bernard, or said commissioners, when said work was undertaken, that said Bernard should be allowed an additional compensation for building said bridge: And, *whereas*, said county court doubts their authority to make said additional allowance: Therefore,

SEC. 1 *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That said county court of

Logan be, and they are hereby authorized, at any court at which there shall be a majority of all the justices of said county present, and concurring therein, if they think proper so to do, to make any additional allowance to said Jesse B. Bernard, for building the said bridge across Red River, which they, in their discretion, may think right, not exceeding two hundred dollars.

1830.

Sec. 2. *Be it further enacted*, That said county court be, and they are hereby authorized, to levy so much as may be sufficient to meet said additional allowance, or pay the same at their discretion, out of any funds on hand.

CHAP. CCCC.

AN ACT to incorporate the Trustees of the Pilot Knob Meeting House, in Simpson county.

Approved, December 21, 1830.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Hugh M. Cutting, James Buchannon, and Thomas L. Sloss, be, and they are hereby constituted a body corporate, to be known and designated by the name and style of the Trustees of the "Pilot Knob" meeting house, in Simpson county.

Trustees incorporated.

Sec. 2. *Be it further enacted*, That it shall, and may be lawful for the said trustees, and their successors in office, and they are hereby invested with full power and authority, in their corporate capacity, to purchase or receive by donation, and to hold the title to the tract of land, on which the Pilot Knob meeting house, in Simpson county now stands, not exceeding four acres; and to hold the same to themselves, and their successors in office, for the use and benefit of said institution.

May hold a tract of land not exceeding four acres.

CHAP. CCCCCI.

AN ACT to authorize the Trustees of the town of New-Castle, to sell a part of the public ground in said town.

Approved, December 21, 1830.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Trustees of the

1830.

town of New-Castle, or a majority of them, shall have power to sell or convey, a part of Cross street, which commences at the Baptist meeting house, thence running due east, to Hugh T. Woolfolk's. The said sale shall be advertised, at least twenty days previous to the sale, and at a credit of three months; and the proceeds are to be paid over to the town treasury, for the use of said town.

CHAP. CCCCII.

AN ACT for the relief of Daniel Trabue, and others.

Approved, December 21, 1830.

Further time
given to pay
for lands en-
tered.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Daniel Trabue, Jacob Antle, Adam Kerns, and Charles Bennett, or their assigns, shall have, until the first day of June next, to pay into the public treasury of this commonwealth, the balance of the state price, which was due and payable on the fifth day of February, one thousand eight hundred and thirty, on all the lands which have been surveyed, and registered by Daniel Trahue, Jacob Antle, Adam Kerns, and Charles Bennett, or their assigns, previous to the passage of an act entitled "an act for the benefit of D. Trabue and others," passed and approved, February the fifth, one thousand eight hundred and twenty-eight.

Patents to
issue.

Sec. 2. *Be it further enacted*, That the Register of the Land Office, is hereby authorized and directed, to issue a patent, as in other cases, for each and every survey registered as aforesaid, so soon as the state price of the residue of any one survey shall have been paid, after deducting from the same, all surveys interfering therewith, which may have been made for any Seminary within this Commonwealth, previous to the passage of this act. - *Provided, however*, That no deduction from any one survey as aforesaid, shall be allowed by the Register, until exhibited by a connected plat, made out and certified by the county surveyor of Russel county, shewing the extent of such interference.

CHAP. CCCCIII.

1830.

AN ACT to continue in force, "an act for the benefit of the Head-right and Tellico Settlers, and for other purposes."

Approved, December 21, 1830.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled "an act for the benefit of the Head-right and Tellico settlers, and for other purposes," approved, December the 28th, one thousand eight hundred and twenty-six, shall be, and the same is hereby continued in full force, for and during the term of one year, from the passage of this act.

The act of 1826, extended one year.

CHAP. CCCCIV.

AN ACT to legalize the election of Trustees for the town of Liberty.

Approved, December 21, 1830.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the election for trustees, in and for the town of Liberty, held on the first Monday in May last, is hereby declared legal and valid, to every intent and purpose, as it would have been, if said election had been held and conducted agreeably to the existing laws.

The election for trustees of said town, in May last, legalized.

CHAP. CCCCIV.

AN ACT to change the time of holding the Morgan County Court.

Approved, December 21, 1830.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter, the county court of Morgan county, shall be held on the third Monday of each month, instead of the first Monday.

The county courts of Morgan, to be held on the 3d Mondays.

1830.

CHAP. CCCCVI.

AN ACT to authorize the appointment of additional Constables and Justices of the Peace in certain Counties.

Approved, December 21, 1830.

An additional constable allowed to Mason county.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the county court of the county of Mason, shall have authority to establish an additional constable's district in said county, to include the present residence of Perry Jefferson, Esq. and George Douglass, and to appoint an additional constable for said county, to reside in said district.

One to Calloway.

One to Harlan.

Sec. 2. *Be it further enacted*, That the county court of Calloway county, may appoint one additional constable for said county, to reside within the boundaries of the Blood river district; that the county court of Harlan may appoint an additional constable for said county, and establish an additional constable's district therein, to include the present residence of Mount Pierciefield; that the county of Spencer shall be entitled to one additional justice of the peace, and that the county court of Lawrence may appoint one additional constable for the said county, to reside on the waters of Big Blane, and to form an additional constable's district in said county.

One justice to Spencer county.

One constable to Lawrence.

And one to Boone.

Sec. 3. *Be it further enacted*, That an additional constable shall be allowed to the county of Boone, who shall reside within the bounds of captain Vest's militia company.

CHAP. CCCCVII.

AN ACT to authorize the County Courts of Hardin and Knox Counties, to appoint additional Constables, and for other purposes.

Approved, December 29, 1830.

An additional constable allowed to Hardin and Knox counties.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the passage of this act, the county court of Hardin county be, and the same is hereby authorized to appoint an additional constable for said county; who shall reside in the first constable district of said county; and that the county court of Knox county be, and they are hereby authorized to appoint a constable, to reside on the waters of Clear creek.

Sec. 2. *Be it further enacted*; That there shall be allowed one additional constable to Wayne county, to reside in the neighborhood of James Jones, Esq.

1830.

One to
Wayne coun-
ty.

Whereas, it is represented to this General Assembly, that the people in Chappel's Settlement or the head waters of the Middle fork of Kentucky river, are anxious to have a justice of the peace and constable in said neighborhood. Therefore,

Sec. 3. *Be it further enacted*, That the county of Perry be entitled to one additional justice of the peace, and two additional constables; one to be appointed, and his district laid off in said Chappel's Settlement; and one other on the Line fork of the Kentucky river.

An addition-
al justice and
two constab-
les allowed
to Perry
county.

CHAP. CCCCVIII.

AN ACT for the benefit of Andrew Woodley.

Approved, December 29, 1830.

WHEREAS, satisfactory proof has been made to the Legislature, that Andrew Woodley, a citizen of Georgia, attended, as a witness from said state, upon the trial of an indictment preferred against Thomas, James, Robert and Jefferson Martin, on a charge of felony, in the Wayne circuit court, in the state of Kentucky; and said Woodley, having been at considerable trouble and expense, in attending said trial, for which there is no law now in force, allowing a compensation: Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the sum of forty-three dollars be allowed, and the same is hereby appropriated to the use and benefit of the said Andrew Woodley, as a full compensation for his trouble and attendance on said trial.

Sec. 2. *Be it further enacted*, That the Auditor of public accounts, shall, upon application, or upon the order of said Andrew Woodley, issue his warrant upon the Treasurer, for the said sum of forty-three dollars, which amount is hereby directed to be paid by the treasurer, out of the public treasury.

1830.

CHAP. CCCCIX.

AN ACT concerning Election Precincts, in certain Counties.

Approved, December 29, 1830.

Regulations with regard to voting at the precincts in Jefferson county.

Proviso.

Place of holding the elections in the precinct in Wayne, changed to Wm. Davis'.

The place of voting in the precinct in Calloway, changed to A. B. Clarke's.

Also, in the precinct in Spencer, changed to M^cGrews.

An election precinct established in Calloway at Paducah.

An election precinct established at Moscow.

The place of voting in the precinct in Barren, changed to Edmonton.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of the law establishing election precincts, in the county of Jefferson; requiring the voters to vote in particular precincts, is hereby repealed, and the voters of said county, hereafter may, and shall be allowed to vote in any precinct, in said county. *Provided, however*, That nothing herein contained, shall be so construed, as to allow the citizens of Jefferson county, to vote at the elections held in the city of Louisville; or the citizens of the city of Louisville, to vote at any election precinct, in the said county of Jefferson.

Sec. 2. *Be it further enacted*, That the election precinct, in the county of Wayne, heretofore held at the house of Reuben Owens, shall be, hereafter, held at the house of captain William Davis, and shall be conducted under the same rules and regulations as heretofore.

Sec. 3. *Be it further enacted*, That the election precinct, heretofore established, and now existing, at Brandon's mill, in the county of Calloway, shall be, and the same is hereby removed to the house of Alfred B. Clarke; at which place, all elections shall hereafter be holden, for which the said precinct was designed.

Sec. 4. *Be it further enacted*, That the election precinct, formerly held at M^cGee's mill, in the county of Spencer, shall be removed to the house of George M^cGrew, in said county.

Sec. 5. *Be it further enacted*, That an election precinct, is hereby established in the town of Paducah, in the county of M^cCracken, which shall be holden at the house now occupied by F. A. Harrison.

Sec. 6. *Be it further enacted*, That an election precinct, is hereby established in the town of Moscow, in the county of Hickman, which shall be holden, at the house now occupied by Samuel P. M^cFall.

Sec. 7. *Be it further enacted*, That the elections, for the election precinct, in Barren county, now held at Abner Hamilton's, sen. shall hereafter be held at Edmonton, at the house of Bennet O'Neal, in said county, under the same rules and regulations, that they are now held, at Abner Hamilton's

CHAP. CCCCX.

1830.

AN ACT to change the time of holding the County Courts in certain counties, and for other purposes.

Approved, December 29, 1830.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter, the county court of Hardin county, shall be held upon the third Monday of each month in which it is now held, instead of the first Monday of the month, the time now fixed by law. Time of holding the county courts of Hardin.

SEC. 2. *Be it further enacted,* That the proceedings of the county court of Hardin county, held upon the first Monday of February, April, May, July, August, October, November and December, for the year 1830, be, and the same are hereby legalized. The proceedings of said court for 1830 legalized.

SEC. 3. *Be it further enacted,* That the court of claims, in and for Wayne county, shall be hereafter held at the September county court, in each and every year hereafter, instead of the court now appointed by law. The court of claims for Wayne county, to be held annually in September.

SEC. 4. *Be it further enacted,* That the justices of the peace, in and for said county, shall attend at the court of claims, to be held in the month of September, under the same rules and penalties, as now required by law. The duty of the justices of said county.

SEC. 5. *Be it further enacted,* That the sheriff of said county, shall be, and is hereby required, to return his delinquent list, and make all other returns to the September court, in each and every year, as he is now required to make, by law, to the court of claims. The sheriff and other officers, to make their returns to said court.

SEC. 6. *Be it further enacted,* That the clerk, and all other officers of said county, shall be, and they are hereby compelled to make all and every report and return to the said court, at their September term, in each and every year, as they are now required to make to the court of claims.

SEC. 7. *Be it further enacted,* That the said court shall, at the September terms, in each and every year, attend to, and conduct said court, as a court of claims, under the same rules and regulations, in every particular, as is now required by law.

SEC. 8. *Be it further enacted,* That the county courts in Hopkins county, shall, after the first of March next, commence on the second Mondays in each month, in The county courts of Hopkins, to

1830.

be held on
the second
Monday.

Certain pro-
ceedings
legalized.

The county
court of Clay
to be held on
the fourth
Monday of
each month.

which the circuit court for said county does not sit; and may continue six days, if the business shall require it.

Sec. 9. *Be it further enacted*, That the proceedings of the Hopkins county court, at the February term, 1830, be, and the same are hereby declared legal and valid.

Sec. 10. *Be it further enacted*, That the county court of Clay shall, hereafter, be held on the fourth Monday, instead of the second, as heretofore.

CHAP. CCCCXI.

AN ACT to amend "an act to provide for the erection of two bridges across Rockcastle river, approved Jan. 29, 1830."

Approved, December 30, 1830.

The amount
heretofore
appropriated,
to be paid out
of dividends
of the stock
of the bank of
Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the amount appropriated by the aforesaid act, and not heretofore paid, be drawn by the Treasurer of the Commonwealth, from the bank of Kentucky, so soon as a dividend in specie of that amount shall be declared on the stock held by this Commonwealth, in said bank; and that the treasurer, whenever the same shall be demanded of him, agreeable to the provisions of said act, pay over to the persons entitled thereto, the sums to which they may be entitled, respectively.

CHAP. CCCCXII.

AN ACT allowing additional Justices of the Peace to certain Counties.

Approved, December 30, 1830.

Additional
justices al-
lowed to
Wayne,
Hickman and
Graves.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county of Wayne shall be entitled to one justice of the peace, in addition to the number now allowed by law; and the counties of Hickman and Graves shall each be entitled to two justices of the peace, in addition to the number now allowed by law.

CHAP. CCCCXIII.

1830.

AN ACT to incorporate the Trustees of Liberty Meeting house in Logan County.

Approved, December 30, 1830.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Samuel Wilson, Hugh Stephenson and Robert Karr, be, and they are hereby, constituted a body corporate, to be known and designated by the name and style of the Trustees of Liberty Meeting house in Logan county.

Names of the persons incorporated, and the style of incorporation.

Sec. 2. *Be it further enacted*, That it shall and may be lawful for said trustees and their successors chosen or appointed from time to time, by the members of the churches who have control of said meeting house, and they are hereby invested with full power and authority in their corporate capacity, to purchase or receive by donation, and hold and enjoy the title to the tract of land on which Liberty meeting house, in Logan county, on the waters of Muddy river, now stands, not exceeding four acres, and to hold the same to themselves, and their successors in office, for the use and benefit of said churches.

Their powers and privileges.

CHAP. CCCCXIV.

AN ACT to amend the Duelling Law.

Approved, December 30, 1830.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter, in administering the oath directed by the several acts of the Legislature, "more effectually to suppress the practice of Duelling;" the oath shall be from the first day of December, one thousand eight hundred and thirty, instead of the first day of November, one thousand eight hundred and twenty-four.

The oath prescribed to be administered by the directed act, to have reference to 1st. Dec. 1830.

1830.

CHAP. CCCCXV.

AN ACT to change the time of holding the Simpson, Todd and Lewis Circuit Courts, and for other purposes.

Approved, December 30, 1830.

Time of holding the Simpson circuit court. SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Simpson circuit court shall hereafter commence its session on the first Mondays in April, July and October, and continue at each term, twelve juridical days, if the business of the court requires it.

The Todd circuit court. SEC. 2. *Be it further enacted,* That the Todd circuit court shall hereafter commence its sessions on the third Mondays in April, July and October, and continue at each term, twelve juridical days, if the business of the court requires it.

All process and recognizances, &c. made returnable to the terms as altered. SEC. 3. *Be it further enacted,* That so much of all laws as fix a different time for the commencement or continuance of the terms of said courts, are hereby repealed; and all process, precepts and recognizances, made returnable to the existing terms of said courts, are hereby made returnable to the terms prescribed by this act; and all appearances upon recognizances or otherwise required to be made at the existing terms of the said courts, are hereby required to be made on the same days of the terms established by this act.

Time of holding the Lewis circuit court. SEC. 4. *Be it further enacted,* That the circuit court for the county of Lewis, shall hereafter sit on the fourth Mondays in the month of March, June and September, and may sit six juridical days, if the business require it.

All process, recognizances, &c. made returnable to said terms, as altered. SEC. 5. *Be it further enacted,* That all law process heretofore issued, or which may hereafter issue, from said court, and all recognizances, shall be made returnable to said court, at the times herein directed to be holden; and all suits, civil and criminal, shall stand for trial at the next term of said court, as herein changed.

CHAP. CCCCXVI.

1830.

AN ACT to authorize the Board of Internal Improvement for Shelby County, to erect a Toll Gate.

Approved, December 30, 1830.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the "Board of Internal Improvement for Shelby County," shall be, and they are, hereby authorized and empowered to erect across the turnpike, by them constructed, during the present year, at or near the eastern termination thereof, a toll gate; and to collect and receive of, and from all and every person or persons using the said turnpike, half tolls, or tolls at the rate of fifty per cent. upon the rates or tolls authorized to be received and collected, by virtue of an act "to constitute a board of internal improvement for Shelby county, approved January 29, 1830."

The board of internal improvement, of Shelby county, authorized to erect a toll gate and collect half tolls, on the road constructed by them.

Sec. 2. *Be it further enacted,* That this act shall continue to be in force for two years and no longer, from and next after its passage.

This act to remain in force two years only.

CHAP. CCCCXVII

AN ACT to authorize David and John Trimble, to erect a dam across Little Sandy river, at the Blue ripple.

Approved, December 30, 1830.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Greenup, shall, upon the application of David and John Trimble, and upon their satisfying said court, that they are the owners of the land, on one or both sides of Little Sandy, at the place called the "Blue ripple," award a writ of *ad quod damnum*, and proceedings shall be thereupon had, as in other cases; and the said court, upon the return of the inquisition, shall proceed in all respects, as though the said stream had not been declared navigable. *Provided however;* That the said county court, shall not authorize the building of a dam more than nine feet in height at that place.

1830.

CHAP. CCCCXVIII.

AN ACT authorizing Silas M. Williams, to erect a dam and mill, on Big Barren River.

Approved, December 30, 1830.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Monroe county, shall have power to authorize Silas M. Williams, to erect a mill dam and mill on Big Barren river, about one mile below the mouth of Line creek, according to the law now in force. Provided, The said county court, shall be of opinion, that said mill dam, will not injure the navigation of said river. And, Provided further, That, if at any time after said mill is erected, it shall be found injurious to the navigation of said river, it shall be in the power of said county court, to require the said Williams, to lower said dam, or make such alterations thereon, by a slope or otherwise, as they may deem right.

CHAP. CCCCXIX.

AN ACT for the benefit of Archibald Frizzel, Coroner of Lewis County

Approved, December, 30, 1830.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Archibald Frizzel, coroner of the county of Lewis, be, and he is hereby, allowed until the first day of April next, to renew his official bond, which may be given at any time, before said time; and any forfeiture, which may have taken place on account of failing to renew his bond aforesaid, is hereby released.

CHAP. CCCCXX.

AN ACT to amend the "act regulating the appropriation of fines and forfeitures," so far as regards the counties of Christian, Madison, Russell and Estill.

Approved, December 30, 1830.

The recited
act repealed.

SEC. 1 *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the act to appropri-*

ate fines and forfeitures in this Commonwealth, passed February 14th, 1830, so far as regards the county of Christian, be and the same is hereby repealed; and that all fines and forfeitures which may hereafter accrue in said county, be applied according to the laws in force heretofore on this subject.

1830.

Made of appropriating fines in Christian county.

Sec. 2. *Be it further enacted,* That the funds on hand, and not paid over, and those hereafter arising from fines and forfeitures in the county of Russell, be appropriated in aid of the county levy of said county.

In Russell county.

Sec. 3. *Be it further enacted,* That the fines and forfeitures already assessed and not paid over, and those that shall in future be assessed, in the county of Madison, be paid over to the clerk of the county court of Madison, and applied by the county court of said county, in improving the public roads of said county.

In Madison county, and the duty of the clerk of said county, in relation thereto.

Sec. 4. *Be it further enacted,* That it shall be the duty of the said clerk of the county court of Madison, to collect and receive from the various officers, whose duty it may be, to collect fines and forfeitures in said county, annually, the sums received by such officers, arising as aforesaid; and report the amount annually, to the county court of said county, at its court of claims; and said clerk shall, in case any officer fails to do his duty in collecting said fines or forfeitures, or fails to pay over any money collected as such, to said clerk, on demand, to institute suit on the official bond of any such officer, and prosecute the same to judgment; said suit may be instituted in the name of the Commonwealth, without any relator; but it shall be stated in the declaration, that the suit is instituted at the instance of the clerk of the county court of Madison.

Sec. 5. *Be it further enacted,* That the funds arising from fines and forfeitures in the county of Estill, be collected and applied in said county, in the same manner as similar funds are collected and appropriated in the county of Madison.

In Estill county.

1830.

CHAP. CCCCXXI.

AN ACT to amend an act, entitled "an act for the improvement of the road from Mountsterling by way of Irvine and Manchester, to intersect the Wilderness State Road."

Approved, December 30, 1830.

Six months longer allowed the respective county courts, to appoint commissioners, &c.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the further time of six months is hereby given, from the passage of this act, to the respective county courts of Montgomery, Estill and Clay, to appoint one commissioner each, to superintend the improvement of a road, according to the provisions of the before recited acts; and that the said commissioners to be appointed by this act, as well as the before recited act, to which this is an amendment, may proceed to discharge the duties imposed upon them, in the manner pointed out by the before recited act; and the county courts of said counties, may proceed in the manner therein directed, to take bond from the commissioners, and to carry said act into effect.

CHAP. CCCCXXII.

AN ACT for the benefit of William Winslow, Clerk of the Gallatin Circuit Court and for the benefit of the Clerk of Anderson Circuit and County Courts.

Approved, December 30, 1830.

WHEREAS, it is represented to the present General Assembly, that no Judge attended the last November term of the Gallatin circuit court, in consequence whereof, the clerk of the said court, was prevented from renewing his official bond, as required by law: Therefore,

Clerk of Gallatin may renew his bond.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That William Winslow, the clerk of the said court, shall, and may, enter into bond with security, as required by the laws of this state, on that subject, during the sitting of the court, at their next term, which may be holden for the said circuit of Gallatin: And, when executed, shall be as effectual in all respects, as though the same had been entered into as required by law.

Sec. 2. *Be it further enacted*, That it shall, and may be lawful for the clerk of the circuit and county courts, of Anderson county, at the next sitting of said courts, respectively, to execute his official bonds, pursuant to an act, approved, January 23, 1810, and to perform the duties enjoined on him, by an act, entitled "an act, requiring certain duties of the clerk's of this Commonwealth," approved, January 16, 1829; and an act amendatory thereof, approved, January 12, 1830. And upon the performance of said duties, said clerk, shall be released from all fines and forfeitures directed by said acts; and no motion or suit, shall be instituted against said clerk, for any failure in the performance of his said duties, under the before recited acts. *Provided*, The said clerk, shall strictly comply with the provisions of this act."

1830.

Clerk of Anderson may renew his bonds, and released from fines.

CHAP. CCCCXXIII.

AN ACT to alter the time of holding the County Courts of Barren County.

Approved, December 30, 1830.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, the times of holding the county courts in Barren county, shall be changed from the fourth Monday to the third Monday, in each month, in which there is no term of the circuit court held in said county.

CHAP. CCCCXXIV.

AN ACT to extend the terms of the Nelson Circuit Court, and to alter the terms of the Washington Circuit Court, and for other purposes.

Approved, December 30, 1830.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the circuit court for the county of Nelson, shall hereafter commence on the last Mondays in February and May, and continue eighteen juridical days each term, if the business thereof shall require it.

Nelson circuit court.

186.

Washington.

Sec. 2. *Be it further enacted*, That, hereafter, in each and every year, the Washington circuit court, shall commence on the first Monday in May, instead of the second, as now directed by law; and continue in session twelve juridical days, if the business of the said court requires it.

Sec. 3. *Be it further enacted*, That all causes, civil and criminal, now pending in Nelson and Washington circuit courts, shall stand for trial, to the terms hereby changed; and all writs, subpoenas, attachments, recognizances and other judicial business, shall stand, and be returnable to the terms as herein changed.

CHAP. CCCCXXV.

AN ACT to authorize "The Frankfort Argus" to publish advertisements.

Approved, December 30, 1830.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Editor of the Frankfort Argus, printed in Frankfort, shall have a right to publish in his newspaper, all such advertisements and publications, as are authorized to be published in any newspaper in this Commonwealth, except such advertisements as are required to be published in the paper of the public printer; and he shall be authorized to receive the same fees that are allowed to other printers for similar services.

CHAP. CCCCXXVI.

AN ACT to amend an act, "authorizing certain County Courts to appoint reviewers to view a way from Thomas Kennedy's in Garrard County, to the Green River Salt Works."

Approved, December 30, 1830.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the state road directed to be viewed and opened by an act of Assembly, approved February 13, 1828, from Thomas Kennedy's, in Garrard county, by the way of Stanford, to the road lead-

The said road changed.

ing from Danville to Murfreesborough, in Tennessee, at or near the Salt Works in Casey county, shall be changed as follows, viz: It shall run with the Crab Orchard road, from Kennedy's to where the Lancaster road leaves said road, near Kennedy's old well, thence with the Lancaster road to the present road. 1830.

CHAP. CCCCXXVII.

AN ACT for the benefit of Morton A. Rucker, late Sheriff of Caldwell county.

Approved, December 30, 1830.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Morton A. Rucker, late sheriff of Caldwell county, have the further time of one year from the passage of this act, to return a delinquent list of muster fines, assessed by the court of assessment of the eighty-fourth regiment of Kentucky militia, in the year 1827; and placed in his hands for collection, in 1828.

CHAP. CCCCXXVIII.

AN ACT for the benefit of James Morse.

Approved, December 30, 1830.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That James Morse, late Sheriff of Caldwell county, have the further time of one year from the passage of this act, to collect the balance of the county levy, revenue tax, militia fines, and fee-bills collectable during his continuance in office; and that he may, by himself or deputies, proceed to collect the same according to the laws of this state.

1831.

CHAP. CCCCXXIX.

AN ACT to amend "an act to establish an election precinct in Green county, approved the 16th December, 1829, and to establish election precincts in sundry counties.

Approved, January 8, 1831.

Place of voting in a precinct in Green county, changed.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of the aforesaid act, as directs the qualified voters in said precinct, to hold all their legal elections at the house of Joseph Harrison, at the Green Spring Furnace, shall be and the same is hereby repealed; and, in future, the said elections shall be held at the house of William Elmore, in said precinct, under the same rules and regulations as provided for, in the above recited act.

In Morgan county.

SEC. 2. *Be it further enacted,* That the place of voting in the Paint precinct, in Morgan county, shall be, hereafter, at the house of John Keeton, under the rules and regulations of the act establishing the said election precinct.

Precinct in Greenup repealed.

SEC. 3. *Be it further enacted,* That the election precinct in the county of Greenup, which was established in the year 1825, called and known as the Ratcliff precinct, on Tigert's Creek, shall be, and the same is hereby, repealed.

Precinct established in Laurel county.

SEC. 4. *Be it further enacted,* That all that part of Laurel county, lying within the following boundary, be established as an election precinct in said county: beginning at the Crossing of Rockcastle river, on the Madison road; thence with said road to the Salt Works road; thence with the Salt Works road to the county line; thence with the county line to the beginning: and the elections for said precinct, shall be held at the house of John Cassell.

Judges and clerk to be appointed, &c.

SEC. 5. *Be it further enacted,* That it shall be the duty of the county courts of Laurel, to appoint judges and clerk to said election, to be held as aforesaid; and the elections held in said precinct, shall be governed in every respect, by the laws now in force, regulating elections. *Provided,* that any voter residing in said precinct, and who has not voted in said precinct, shall have the privilege of voting at the court house.

Place of voting in a precinct in Christian, changed.

SEC. 6. *Be it further enacted,* That the election precinct heretofore held at the house of Stephen D. B. Stewart, in the county of Christian, shall hereafter be

held at the house now occupied by Moses Allen, in said county, under the same rules and regulations as heretofore. 1831.

Sec. 7. *Be it further enacted*, That an election precinct shall be, and the same is hereby, established in the county of Mason, within the following bounds, to wit: beginning on the North fork of Licking, where the Mason and Bracken line crosses it, and extending up the said North fork, to the mouth of Pummel creek; thence up that creek to its forks; thence up the East fork thereof, so far as to include the farm of Worsham Anderson; thence to intersect the road from Washington to Germantown, at the intersection therewith of the Minerva road; thence with the Minerva road to the farm of Samuel Stroud's heirs; thence down a branch of Bracken to the creek, and with it to the Bracken line, and with that line to the beginning: and that the qualified voters in the said precinct, may vote at such place in the town of Germantown, within the bounds of their precinct, as the sheriff of their county, or his deputy, with the concurrence of the justices appointed by the county court, to hold the election in the said precinct, may select for that purpose. And it shall be the duty of the sheriff of said county, to attend by himself or deputy, and to hold all elections authorized by law, within the said precinct. *Provided, however*, that nothing in this act contained, shall be construed, to prevent any voter resident in the said precinct, from voting at the court house of his county.

Precinct established in Mason.

CHAP. CCCCXXX.

AN ACT for the benefit of Joshua Cates.

Approved, January 8, 1831.

WHEREAS, it is represented to the present General Assembly, that Joshua Cates is a Lunatic, and that James I. Morrison, Owen G. Cates and Francis Summers, have been duly appointed his committee: **And, whereas**, it is also represented, that there are large debts owing by said Cates, which if coerced by execution, will swallow up his estate; and it being also further represented, that said committee, under an order of the chancellor of the Christian circuit

Preamble.

1831. court, proceeded to sell and convey a part of the real and personal estate of said Cates, for the purpose of paying his debts, which sales are deemed illegal: For remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful, for the said James I. Morrison, Owen G. Cates and Francis Summers, to make application to the court of chancery, in and for the county of Christian, to re-appoint them as a committee for said Cates: *Whereupon,* the said court shall have power to make such re-appointment, upon their entering into bond with good security, payable to the Commonwealth of Kentucky, in such penalty, as may, in the judgment of the court, be deemed sufficient to cover the value of the property, to be sold by said committee, and conditioned for the true and faithful application of whatever money may be received by them, or either of them, from the sale of property, to the creditors of said Cates, in the manner herein after named.

Committee may sell and convey, all the estate of said Cates.

Sec. 2. *Be it further enacted,* That it shall and may be lawful, for said committee, after the execution of said bond, under the provisions of the foregoing section, to proceed to sell, either at private or public sale, all such estate of said Cates, real, personal or mixed, as they, or a majority of them, may deem necessary for the payment of debts; and to confirm all such sales as they have made, either of the personal or real estate. *Provided,* The proceeds of the same have been applied to the payment of the debts of said Cates; and their deed, or the deed of a majority of them, for said Cates, shall be as effectual, to pass the title to the real estate, as though made by the said Joshua Cates, when in his proper mind.

Committee to advertise to ascertain the debts, and to pay them prorata.

Sec. 3. *Be it further enacted,* That said committee shall have the power, to advertise for all debts, to be brought forward against said estate of said Cates, and payment may be made from the proceeds of any sale, in proportion to the magnitude of the respective claims.

Creditors may sue the committee for a breach of their bond.

Sec. 4. *Be it further enacted,* That it shall be lawful, for any creditor, who has given notice of his debt, to the committee, to bring suit in the name of the Commonwealth, upon the bond of the said committee, against them and their securities, for any breach

thereof, in collecting money, and failing to pay it over, according to the requisition of this act.

1831.

Sec. 5. *Be it further enacted*, That nothing in this act, shall be construed, to divest any creditor of said Cates, of any lien of any kind, which may now exist upon any portion of his estate.

Cates' creditors to retain any lien they have on his estate.

Sec. 6. *Be it further enacted*, That if said committee shall fail to make application to the chancellor, at the first term of the court, after the passage of this act, according to the provision of the first section thereof, it shall and may be lawful, for the court to appoint other persons as a committee, who shall, in all respects, be governed by the provisions of this act.

Court may appoint persons other than those named as a committee.

CHAP. CCCCXXXI.

AN ACT for the benefit of Ann Eliza Nelson.

Approved, January 8, 1831.

WHEREAS, it is represented to the present General Assembly, that David P. Nelson, has by a decree of the Nelson circuit court, obtained a divorce from his wife Ann Eliza Nelson, on the ground of abandonment only; and *whereas*, the said Ann Eliza Nelson, has presented a petition to the General Assembly, praying that she shall be restored to the rights and privileges of a single woman, which is considered reasonable: Wherefore,

Preamble.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said Ann Eliza Nelson, be, and she is hereby invested with all the rights and privileges of a single woman.

Ann E. Nelson restored to the privileges of a single woman.

CHAP. CCCCXXXII.

AN ACT to incorporate a Turnpike Road Company, from Louisville to Bardstown, and on to Springfield and Lebanon.

Approved, January 8, 1831.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be formed, under the name, style and title of the "Louisville and Bardstown Turnpike Road Company," for

A company formed to construct a turnpike road from Louis-

1831.

ville to
Bardstown,
and on to
Springfield
and Lebanon.

Amount of
capital stock.

Books for the
subscription
of stock, to
be opened at
Louisville,
Bardstown,
Bloomfield,
Springfield
and Lebanon.

Form of the
subscription.

Notice of the
time and
place for re-
ceiving sub-
scriptions, to
be given.

Meeting of

the purpose of forming an artificial road from Louisville to Bardstown, and from Bardstown to Springfield, and from thence to Lebanon, in Washington county, and from Bloomfield, in Nelson county, on the best, nearest and most convenient way to intersect the said road from Louisville to Bardstown.

Sec. 2. *Be it further enacted;* That the capital stock of said company, shall be two hundred and sixty thousand dollars, to be divided into shares of one hundred dollars each.

Sec. 3. *Be it further enacted,* That books for the subscription of stock, in the said company, shall be opened on the second Monday in July next, or as soon thereafter as convenient, at Louisville, Bardstown, Bloomfield, Springfield and Lebanon, and to continue open, until the amount of stock shall be subscribed, under the direction of John Speed, James Guthrie and James Rudd, for Jefferson county; of Benjamin Summers, Mathew Wilson and William R. Grigsby, for Bullitt county; of Thomas Speed, Edward B. Miles, Thomas Hite and Charles M'Mannes, for Nelson county; and of Elias Davidson, Anthony M'Elroy and Benedict Spalding, for Washington county, or some one or more of them, who are appointed commissioners. The said commissioners shall procure a book or books, and the subscribers to the stock of said company, shall enter into the following obligation in the said book or books, to-wit: "We, whose names are hereunto subscribed, do promise to pay to the President, Directors and Company of the said Louisville and Bardstown road company, the sum of one hundred dollars, for every share of stock in said company, set opposite to our names, in such manner and proportions, and at such times as shall be required, by the president and directors of said company; and agreeably to an act of the General Assembly of Kentucky, incorporating said company: Witness, our hands this day of 1830. The said commissioners, or

a majority of them, shall give notice in the newspapers printed in Louisville and Bardstown, of the time and places of opening the books, for the subscription of stock in said company, and that the same will continue open, until the amount of capital shall be subscribed.

Sec. 4. *Be it further enacted,* That so soon as the amount of capital stock shall be subscribed, the said

commissioners shall, at such time and place as they may appoint, call a meeting of the stock holders, and hold an election for a president and six directors, who shall hold their office for one year, and until others shall be elected and appointed. The said president and directors, shall, before they enter upon the duties of their appointment, take an oath, before some justice of the peace, that they will faithfully discharge the duties of president or directors (as the case may be) without favor or affections, according to the best of their judgment; that upon the qualification of the president and directors, they shall appoint a treasurer and such other officers as they may deem necessary, who shall hold their office for one year, and until others shall be appointed. The treasurer of said company, shall, before he enters upon the duties of his office, give bond, with one or more good and sufficient securities, in the penalty of twenty thousand dollars, payable to the president and directors of said company, and that he will, when called on, pay the amount of money in his hands, to the order of the president and directors, and that he will perform the duties required of him, by the by-laws of said company.

1831.

stockholders
to elect officers.

President and
directors to
take an oath
of office.

Treasurer
and other officers
to be
appointed.

To give bond
and security.

Sec. 5. *Be it further enacted*, That upon the election and qualification of the president and directors, as aforesaid, they shall be a body politic and corporate in deed and in law, by the name, style and title of the Louisville and Bardstown turnpike company; and by the said name, the said company shall have perpetual succession, and all the privileges and franchises, incident to a corporation, and shall be capable of taking and holding the capital stock, and the increase and profits thereof; and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring and conveying in fee simple, all such lands, tenements and hereditaments and estate, real and personal, as shall be necessary to them, in the prosecution of their work; and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in courts of record or any other place whatever; and also, to have a common seal, and to do all and every other matter or thing, which a body politic or corporate may lawfully do.

Declared a
body corporate.

Corporate
powers
granted.

Sec. 6. *Be it further enacted*, That the said president and directors, upon their entering upon the duties

Stock, when
to be paid in.

1831.

Capital stock
may be en-
larged.

of their office, may call on the stockholders, for the payment of ten dollars, on each share subscribed in said stock, and may, if necessary, call for ten dollars on each share, every sixty days, until the whole amount subscribed shall be paid; and if it shall be ascertained, that the amount of capital is not sufficient to accomplish the object of this act, the said president and directors may enlarge the same, to such amount as they may deem necessary; and open subscription therefor, in such manner as they may direct.

Regulation as
to voting for
officers.

Sec. 7. *Be it further enacted*, That the number of votes, to which each shareholder shall be entitled, according to the number of shares he shall hold, shall be in proportion as follows: For every share under five, one vote; for every two shares over five and not exceeding ten, one vote; for every three shares over ten, one vote; and after the first election, no share or shares, shall confer a right of voting, which shall not have been holden three months previous to the election. The stockholders may vote in person, or by proxy, and none but a citizen of the counties of Jefferson, Bullitt, Nelson or Washington, and a stockholder shall be eligible as a president, director or treasurer; and the president or directors, shall cease to be such, on his or their ceasing to be stockholders. The annual election for a president and directors, shall be held on the second Monday in July, at such place as the president and directors may direct; at which time, the president shall lay before the stockholders, an expose of the situation of said company, and also the record of the proceedings of the preceding year.

Officers to be
annually
elected, and
their qualifi-
cations.

Certificates
of stock to be
issued by the
corporation.

Sec. 8. *Be it further enacted*, That the president and directors, first chosen as aforesaid, shall deliver a certificate, signed by the president, and countersigned by the treasurer, and sealed with the seal of the corporation, to each shareholder, for each share by him subscribed and held; which certificate shall be transferable on the books of said corporation, in person or by attorney; but no shares shall be transferred, until all the calls and arrearages are paid thereon. The original certificate of the share or shares transferred, shall be surrendered, and a new certificate shall issue to the purchaser, who shall be a member of the said corporation, and entitled to all the privileges and benefits that the original owner was entitled to.

May be trans-
ferred, and
the mode of
transfer.

Sec. 9. *Be it further enacted*, That the president may call meetings of the directors, at such times and places as he may think proper; a majority of all the directors, shall be necessary for the transaction of business; they shall keep a record of all their proceedings, to be entered in a book, to be provided for that purpose, and shall be signed by the president, and in case of the absence of the president, the directors shall elect a president *pro tempore*, and they may adjourn from time to time, as they may think proper.

1831.

The president may call meetings of the directors.

To keep a record of the proceedings of the board

Sec. 10. *Be it further enacted*, That the president and directors shall have power and authority to agree with, and appoint all such surveyors, engineers, superintendants, artists and officers, as they shall judge necessary, to carry on the contemplated work, and to fix their salaries or wages; to prescribe the time, manner and proportion, in which the stockholders shall make payments on their respective shares; to carry on the said work; to draw orders on the treasurer, for all moneys, necessary to pay the salaries or wages of persons employed, and for labour and materials furnished, and to do all other matters and things, as by this charter, and the laws of the corporation, they are or shall be required to do.

Powers of the president and directors.

Sec. 11. *Be it further enacted*, That the president shall give notice, in the newspapers printed at Louisville and Bardstown, for at least thirty days, of the amount of the call on each share of stock, and of the time of payment; and if any stockholder shall neglect or refuse to pay his proportion of the stock, for the space of thirty days, after the time appointed for the payment thereof, every stockholder, shall, in addition to the instalment so called for, pay at the rate of one per cent. per month, for every delay of such payment; and if he shall fail to pay the amount of such call, and the penalty aforesaid, for the space of six months after the time such payment is required, he shall forfeit such share or shares to the corporation, and the amount that shall have been paid thereon; and the president, by order of the directors, shall sell the said shares at public sale, having advertised the same for ten days, provided, the same will bring the amount of the balance due on said share or shares: And, *provided*, that no stockholder shall vote at any election, or be entitled to any of the rights of a member of said

Notice to be given of the time of paying in stock.

Shares may be forfeited, for non-payment of the calls.

Proviso.

1831.

corporation, unless the whole amount due and payable as aforesaid, on the share or shares, by him held, shall have been paid agreeably to the requisitions of the president.

President and directors to locate the road, &c.

Sec. 12. *Be it further enacted*, That the president and directors, shall employ such surveyors, engineers, artists and chain carriers, as they may think necessary; and they are hereby authorized to enter in and upon the land and enclosures, public roads and highways, in, through and over which, said intended road may be thought proper to pass; and to examine and survey the ground most proper for that purpose, and to examine the quarries or beds of stone and gravel, and other materials, necessary for the completion of said road; and they shall locate the road, on as direct a line as the ground will admit of, from Louisville to Bardstown, and from Bardstown to Springfield, and from thence on to Lebanon; a majority of the president and directors concurring in the said location; and they shall cause a plat of the said road, as located, to be made out and lodged with the treasurer of said company.

Authorized to enter upon the lands, &c. contiguous to the road, and have the same condemned, &c.

Sec. 13. *Be it further enacted*, That it shall and may be lawful, for the president and directors, by and with their superintendents, engineers, artists, workmen, and labourers, with their tools and instruments, carts, wagons, and other carriages, and their beasts of draught or burthen, to enter upon, and over the lands contiguous, and near to which the said intended road shall pass, having given notice to the owners and occupiers thereof, or their agents. *Provided*, That if the said owners or agents, should not agree with the said turnpike road company, as to the damages which he or they may be entitled to, then it shall be the duty of the said president and directors, of the said turnpike road company, to make application to the county courts of Jefferson, Nelson, Bullitt and Washington counties, and for a writ of *ad quod damnum*, to assess the damages which may have been sustained by such party; and such proceedings shall thereupon be had, as are directed by law, in relation to the establishment of public roads; and the jury shall take into consideration, the advantages and disadvantages resulting to the party claiming damages by the establishment of said road, and upon payment or tender of the damages so assessed, or where no damages are assessed, it shall be lawful for the said president and directors to open and make

Writs of *ad quod damnum* to be issued.

said road, and to dig and carry away stone, gravel, earth, and other materials necessary for making and repairing said road.

1831.

Sec. 14. *Be it further enacted*, That so soon as the president, directors and company, shall have completed said road, they shall call on three justices of the peace of Nelson county, who are in no way interested in the stock of said road, to examine the same; and if they shall certify that the said road is made in conformity to the provisions of this act, (which certificate shall be recorded in the county court of Nelson county.) the president and directors may cause a gate to be erected across said road, and may collect the tolls and duties hereinafter granted to the said company, from all persons travelling on the same, with horses, cattle or carriages. *Provided*, That no gate shall be erected within two miles of the said towns of Louisville, Bardstown, Springfield and Lebanon.

On the completion of the road, the company may erect toll gates.

Proviso.

Sec. 15. *Be it further enacted*, That so soon as the gate shall be erected as aforesaid, it shall and may be lawful, for the president and directors to appoint such, and so many toll-gatherers as they may think proper, to collect and receive of, and from, all and every person or persons using the said road, the tolls and rates hereinafter mentioned, and to stop any person, riding or leading any horse or mule, or driving any cattle, hogs, sheep, sulky, chair, chaise, phaeton, cart, wagon, or any other carriage of pleasure or burthen, from passing through the said gate or turnpike, until they shall have paid toll, agreeably to the following rates, to wit: for every twenty head of sheep, hogs, or other small stock, six and a fourth cents; for every horse, mule, ass, or other four footed animal of the larger kind, except cattle, four cents; for every two wheel pleasure carriage, eight cents, exclusive of the beasts by which it is drawn, and the person or persons transported by it; for every four wheel pleasure carriage, sixteen cents, exclusive as above; for every cart, wagon, and other carriage of burthen, whose wheels shall exceed four inches in width, twenty-five cents; for every such carriage of burthen, whose wheels shall exceed four inches and not exceed six inches in width, twenty cents; and for every such carriage of burthen, whose wheels shall exceed six inches in width, fifteen cents, exclusive of the beasts by which

And appoint toll gatherers, &c.

Rates of toll allowed on said road.

1831.

Who exempted from paying toll.

they are drawn; for every person two cents. *Provided*, That no toll shall be taken, or demanded from any person passing or repassing from one part of his farm to another, or to, or from any funeral, or from militia men on days of training, or of attending courts-martial, or from electors going to and returning on days of election, or from grand jurors and *venire* men, going to or returning from court, when summoned, or from persons conveying public expresses.

Persons passing gates without paying tolls may be fined.

Sec. 16. *Be it further enacted*, That if any person or persons, liable to pay the tolls aforesaid, at either of the toll gates erected in pursuance of the aforesaid provisions, shall, with an intention to defraud the company aforesaid, pass through any private gate or bars, or along, or over, any grounds or lands near to, or adjoining any turnpike or gate, or with the intent aforesaid, shall take off, or cause to be taken off, any horse or other beast, or cattle of draught, burthen or pleasure, or shall practice any other fraudulent device, with the intent to lessen or evade the payment of any such toll or duty, such person so offending, shall, for every such offence, respectively forfeit and pay to the president and directors, the sum of five dollars, recoverable before a justice of the peace, in like manner, as other debts of equal amount, in the name of the president, directors and company aforesaid.

Collection of tolls to be suspended, when the road is out of repair.

Sec. 17. *Be it further enacted*, That if, at any time, the said road shall be out of repair for the space of ten days, it shall and may be lawful, for any person to call on two justices of the peace, in either Jefferson, Nelson or Washington counties, to go and inspect said road; and if, upon inspecting the same, and receiving proof that it had been out of order for ten days, the said justices shall, by their order in writing delivered to the treasurer of said company, or in case of his absence, to the president thereof, direct that no toll or duty shall be received on said road, until the same shall be repaired and put in good order; and if any toll should be demanded or taken, after the delivery of such order, the said company shall forfeit and pay the sum of five dollars for each and every offence, to be recovered as other debts of like amount, and upon service of process upon the acting president of said company. *Provided*, There shall be sufficient time to inform the gate-keeper of such order; and upon the

Penalty on the company, for collecting tolls in that event.

Proviso.

said road being repaired, the president and directors shall call on two justices to examine the same, and if they shall be of opinion, that the said road is in good repair, they shall certify the same, and direct that toll shall be demanded and taken, at the gate or gates, agreeably to the provisions of this act. 1831.

Sec. 18. *Be it further enacted*, That the president and directors, shall keep a fair and just account of all moneys which shall be received by them, from the subscribers of the stock of said company, and also, of all moneys by them expended in the prosecution of said work; and all cost, charges, and expenses of said road, shall be paid, and discharged; and the aggregate amount, when ascertained, shall be entered on the books of the said company; the said president and directors shall, at the end of every six months, after the said road shall be completed, make a dividend of the clear profits, and pay the same to the stockholders; the dividends shall be declared on the first day of April, and the first day of October, in each year; and should the nett profits be less than six per cent. upon the capital of said company, the said president and directors may, at the end of one year after the completion of said road, increase the said tolls to such sum as will amount to six per cent. upon the capital expended in making said road. *Provided*, That such increase shall, after each half yearly dividend, in which more than six per centum per annum, shall have been ascertained, for profits, be diminished, so as to make the nett profits not exceed six per cent. per annum, until the tolls shall be reduced to the rates fixed by the fifteenth section, after which they shall remain as therein provided: And, *provided*, that the nett profits or tolls, shall never exceed twelve per cent. on the capital vested in said road, the Legislature shall have power to provide for reducing of them to that sum. The president and directors shall cause printed lists of the rates of toll, which they may lawfully demand, to be fixed on or near, the gate or gates across said road.

Sec. 15. *Be it further enacted*, That all wheel carriages using said road, shall, in passing other wheel carriages, keep to the right hand side, leaving the other side free and clear for wheel carriages, to pass and repass, except when overtaking or passing a carriage of slower draught; and every carter, wagoner or

Accounts of expenditures and receipts, to be kept by the company.

Half yearly dividends, of the profits, to be made.

Tolls may be increased.

Proviso.

Nett profits not to exceed 12 1-2 per cent. per annum.

Printed lists of rates of toll to be posted up.

Wheel carriages, in passing each other, to keep to the right hand side.

1831.

driver offending against this provision, shall pay to any person suing for the same, the sum of five dollars, and also, all damages any person may sustain, recoverable before a justice of the peace of Jefferson, Bullitt, Washington or Nelson counties.

Penalty for receiving or demanding greater tolls than are allowed by law.

Penalties incurred under this act, must be sued for within six months.

Elevation of the road not to exceed 4 1-2 degrees.

Officers of the company, to give bond and security.

The legislature reserve right to subscribe stock in said company.

Sec. 20. *Be it further enacted*, That if any toll-gatherer on said road, shall demand or receive, from any person or persons using said road, any greater rate of toll than is allowed and authorized by this act, such toll-gatherer shall forfeit and pay for every such offence, the sum of five dollars, recoverable by any person who shall sue for the same before any justice of the peace, as other debts of like amount are recovered; that no suit to recover the penalties under the provisions of this act, shall be maintained or prosecuted, unless the same shall have been commenced within six months after the offence was committed.

Sec. 21. *Be it further enacted*, That the said road shall be so levelled and graded, that when completed, the elevation thereof shall not exceed four degrees and a half.

Sec. 22. *Be it further enacted*, That the president and directors shall take bond, with good security, from the gate-keepers, and other persons employed by them, for the faithful discharge of the duties to them respectively assigned, which bonds they may cause to be renewed whenever they may deem it necessary, and they shall be payable to the president, directors and company, aforesaid.

Sec. 23. *Be it further enacted*, That it shall be lawful for the General Assembly, at any time hereafter, to authorize the Governor, for the time being, to subscribe for any number of shares of stock in said company, that may be deemed expedient; whereupon, the funds received from the state, for the stock thus subscribed, shall be applied as soon as may be, to the improvement of said road, at such places on said road, as the Legislature may deem proper.

CHAP. CCCCXXXIII.

1831.

AN ACT to add part of Pulaski County to the County of Wayne.

Approved, January 8, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the passage of this act, all that part of the county of Pulaski, included within the following boundary, shall be attached to the county of Wayne, to-wit: Beginning at the mouth of Rock creek, thence up the Big South fork to the Tennessee state line, thence with said line to where the Wayne county line joins the Tennessee line, thence with the Wayne county line to the beginning, so as to include all that part of Pulaski, lying between the Big South fork of Cumberland river and the Wayne county line, and the mouth of Rock creek and the Tennessee state line.

Bounds of the territory added to Wayne county.

SEC. 2. *Be it further enacted*, That it shall and may be lawful, for the sheriff of Pulaski county, to collect all revenue tax and county levy, from the citizens residing in that part of Pulaski county, which by this act is added to the county of Wayne, assessed and levied in any year heretofore, under the same rules and regulations which would have regulated the collection of the same, had this act not been passed; and the same when collected shall be accounted for as heretofore.

Sheriff of Pulaski, authorized to make collections of revenue, &c. in said bounds.

CHAP. CCCCXXXIV.

AN ACT for the benefit of James F. Robinson, and others.

Approved, January 8, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sum of ten dollars each, be appropriated for the benefit of James F. Robinson, Peter Jones, H. B. Smith, Henry Childers, William Dickinson and Abner Gaines, for their services as commissioners under an act of the last Legislature, in examining the turnpike road from Georgetown to Cincinnati; also, the sum of six dollars to Overton Hogan, for services rendered in the employment of said commissioners.

1831.

CHAP. CCCCXXXV.

AN ACT for the benefit of Thomas Griffey.

Approved, January 8, 1831.

WHEREAS, Thomas Griffey, sheriff of Hickman county, paid into the Treasury, the revenue for the year 1826, and obtained a quietus from the Auditor for the same; and through mistake, his account was not balanced on the books; and a judgment has been obtained against him for the balance due and costs; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor be, and is hereby directed to balance said account, for the revenue due for 1826, as aforesaid, and to pay all costs incurred in the prosecution of the suit aforesaid.

CHAP. CCCCXXXVI.

AN ACT to authorize the County Court of Christian County, to open a road from Hopkinsville to Edward Wooldrige's Coal Banks in said County.

Approved, January 8, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Christian, is hereby authorized, to cause to be opened a road leading from Hopkinsville to Edward Wooldrige's coal banks, in said county; and to appoint a sufficient number of surveyors on said road, and allot to each surveyor a sufficient number of hands to open and keep in repair the road aforesaid, fifteen feet wide, under the same rules and regulations as other roads are opened and repaired in said county.

CHAP. CCCCXXXVII.

AN ACT to appropriate some of the vacant lands of Casey County, to improve the road leading from the Town of Liberty to where the said road crosses the Rolling Fork, near Timothy Goode's, in a direction to Springfield, and for other purposes.

Approved, January 8, 1831.

Register au- *SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Register of the

land office be, and he is hereby directed, to issue land warrants in the name of the county court of Casey without fee therefor, for three thousand acres of land, to be appropriated within the county of Casey.

1831.

thorized to issue land warrants, &c.

Sec. 2. *Be it further enacted*, That the county court of Casey, is hereby authorized to locate, survey, patent and sell, three thousand acres of the vacant lands, within the bounds aforesaid; and apply the proceeds, or money arising from the sales thereof, to improving the road leading from the town of Liberty to where the said road crosses the Rolling fork, near Timothy Goode's, in a direction to Springfield; and the Register of the land office is required to issue patents therefor, without fee.

County court of said county authorized to locate, patent and sell the same for said purpose.

Sec. 3. *Be it further enacted*, That it shall be lawful for the county court of Casey, to appoint a commissioner or commissioners to superintend the location of said land, and to make any transfer, or assignment appertaining thereto, and receive the proceeds of said lands; and apply it to the improvement of said road, as the court may from time to time, direct, who shall enter into bond, with good security, to be approved of by the court, for the faithful performance of his or their duty.

May appoint an agent to attend to the same.

Sec. 4. *Be it further enacted*, That the Register of the land office be, and he is hereby authorized and required to issue land warrants, in the name of the county court of Pulaski, without fee therefor, for five thousand acres of land, to be appropriated within the county of Pulaski.

Register authorized to issue land warrants for 5000 acres, to the Pulaski county court.

Sec. 5. *Be it further enacted*, That the said county court of Pulaski, is hereby authorized to locate, survey, patent and sell, five thousand acres of vacant lands, within the bounds aforesaid, and apply the proceeds, or the money arising from the sales thereof, to the improving the principal road or roads, within said county; and the Register of the land office is required to issue patents therefor without fee.

Said court authorized to locate, patent and sell, the same, &c.

Sec. 6. *Be it further enacted*, That it shall be lawful for the county court of Pulaski, to appoint an agent to superintend the selling of said land warrants, and make any transfer or assignment appertaining thereto, and receive the proceeds of said lands, and apply it to the improvement of said roads, as the court may

1831. from time to time direct, who shall enter into bond with good security, for the faithful performance of his or their duty.

CHAP. CCCCXXXVIII.

AN ACT to authorize certain County Courts to permit gates to be erected across certain roads.

Approved, January 8, 1831.

County courts authorized to erect gates across certain roads, in Garrard county. Provide.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the county court of Garrard county, may permit gates to be erected across the public roads in said county, except such roads as lead from one court house to another. *Provided*, That there shall be a majority of all the justices of said county present, when any gate or gates is permitted to be erected under this act.

Gates to be 9 feet wide.

Sec. 2. *Be it further enacted*, That all gates permitted to be erected under the provisions of this act, shall be at least nine feet wide, and so constructed as to open and shut with convenience.

Also in Madison county.

Sec. 3. *Be it further enacted*, That the county court of Madison, shall have power under the provisions of this act, to erect a gate or gates across the road leading from the factory road to the old town road, where it passes over the lands of Thomas Turner, and C. H. Taylor. *Provided, however*, That said court shall have power to have any gate or gates erected under the provisions of this act, removed, whenever they may conceive them of public inconvenience.

In Bourbon and Clarke.

Sec. 4. *Be it further enacted*, That a majority of the county courts of Bourbon and Clarke, may permit Robert Owens, under the provisions of this act, to erect a gate across the road leading from Reed's mill to Mountsterling, on that part of said road, which passes over the land of said Owens.

Sec. 5. *Be it further enacted*, That a majority of the county court of Clarke, may permit Thomas R. Moore, under the provisions of this act, to erect gates across the road leading from Stroud's station to Race's tavern, on that part of said road which passes over the land of said Moore.

Sec. 6. *Be it further enacted*, That a majority of the county courts of the counties of Floyd, Morgan and

Pike, may permit gates to be erected across the public roads in said counties, except the state road, leading from Mountsterling to the Virginia line, by way of Prestonsburg, under the same rules, regulations, and restrictions, prescribed in the foregoing sections in this act. *Provided*, That a majority of the aforesaid courts, shall have the same power to remove any gate, or gates that may be erected under the provisions of this act, as provided for by the foregoing sections.

1831.

Also in
Floyd, Morgan and Pike.

Proviso.

Sec. 7. *Be it further enacted*, That a majority of the county court of Wayne, may permit Charles Hart, to erect two gates across the road leading from Monticello to Molden's ferry, on Cumberland river, on that part of the road which passes over the land of said Hart.

Also in
Wayne county.

Sec. 8. *Be it further enacted*, That said gates, shall be sufficiently large to admit the passage of wagons, &c. And, *Provided*, a majority of the county court of Wayne, may at any time, when they think the public good requires it, discontinue one or both of said gates.

Gates may
be discontinued.

CHAP. CCCCXXXIX.

AN ACT to establish an Election Precinct in the County of Washington.

Approved, January 8, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all that part of Washington county within the following boundary, viz: Beginning at Ray's mill on the Beech fork, thence with the road leading from that place to Springfield, as far as Sibert's Run, thence with a straight line to George Clements, and to include said Clements; thence a line to the Bald Knob, on the road leading from Springfield, to the mouth of Hardin's creek, so as to include John Batsdale and Thomas McIntire; thence with said road to the mouth of Hardin's creek; thence up the Beech fork to the beginning, shall constitute an election precinct in the said county of Washington; and the qualified voters in said precinct, shall vote in all legal elections, at the house formerly occupied by William G. Slack, near said Slack's ware house; and it shall be the duty of the county court of Washington

Bounds of the
precinct.

Place of
voting.

1831.

Judges and
clerk to be
appointed.

Proviso.

county at the time they appoint judges and clerks of elections, at the court house and other precincts in said county; also, to appoint judges and a clerk to take the votes in said precinct; and the sheriff or his deputy shall attend at the place herein appointed for holding elections in said precinct, and conduct the same. *Provided*, That it shall be lawful for any of the voters residing within said precinct, to vote at the court house, if they shall so elect; and the votes taken in said precinct shall be returned and compared at the same time and place, that the votes of the other precincts are now required by law.

CHAP. CCCCXL.

AN ACT to give additional powers to the Trustees of the town of Shelbyville.

Approved, January 8, 1831.

Additional
powers granted
in relation
to paving the
streets.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That whenever it shall appear that any street in the town of Shelbyville, is paved to a point half way the extent of the squares of lots, fronting immediately on said street so partially paved; or where the owners of the lots fronting any street on both sides thereof, embracing an extent equal to, or exceeding the one half of the front of the two opposite squares, binding on said street, shall petition in writing therefor; the trustees of said town shall have the additional power of compelling the owner or owners of the lots or parts of lots, within the limits of the same square of lots, fronting the street so partially paved or petitioned to be paved, to pave in front of their respective lots or parts of lots.

CHAP. CCCCXLI.

AN ACT to amend the several laws establishing and regulating the town of Covington.

Approved, January 8, 1831.

WHEREAS, it is represented to this General Assembly, that the present trustees of the town of Cov-

ington, are not vested with all the title, rights and powers which were vested in the original trustees of said town, and which were intended to be vested in their successors in office, by the act of the General Assembly establishing said town. For remedy whereof: 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the present trustees of the said town of Covington, and their successors in office, be and they are hereby vested with all the right, title, interest and powers, which were vested in the original trustees of said town, by the act of the General Assembly of this Commonwealth, establishing said town of Covington, passed February the 8th, 1815. *Provided, however,* That nothing herein contained, shall be so construed as to legalize any former act of the trustees of said town, which was not authorized by law.

CHAP. CCCCXLII.

AN ACT to divorce Elizabeth Fannan from her husband Joseph Fannan.

Approved, January 8, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage between Joseph Fannan and Elizabeth Fannan be, and the same is hereby dissolved; and the said Elizabeth is hereby restored to all the rights and privileges of an unmarried woman.

CHAP. CCCCXLIII.

AN ACT for the benefit of James Herrod.

Approved, January 8, 1831.

WHEREAS, it appears to the satisfaction of this Legislature, that James Herrod, of Barren county, paid the revenue on a tract of land in said county, to the sheriff, for the year 1826, and the sheriff, through mistake, in returning his delinquent list, returned that the said James Herrod was "not found," and in consequence of said return, the said tract of land has been

1831. forfeited to the state, for the non-payment of the tax.
For remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Commonwealth of Kentucky releases, unto the said James Herrod, all the right and title she hath acquired in consequence of the forfeiture aforesaid.

CHAP. CCCCXLIV.

AN ACT to authorize persons prosecuted for felony in the County of Hancock, to be confined in the jail of Breckinridge.

Approved, January 8, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful to confine persons prosecuted for felony in Hancock county, in the jail of Breckinridge county, until a jail is finished in said Hancock county; and the jailor of Breckinridge shall be allowed the same fees for keeping such persons, as is allowed by law in other cases, which shall be certified by the circuit court of said county of Hancock.*

SEC. 2. *Be it further enacted, That the sheriff of Hancock shall be allowed the sum of two dollars, for each day he may be employed in taking prisoners to the jail in Breckinridge, and returning with them to the circuit court of Hancock, to be paid out of the county levy of Hancock.*

CHAP. CCCCXLV.

AN ACT for the benefit of the Sheriff of Edmonson County.

Approved, January 8, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the sheriff of Edmonson county, within twenty days after the first day of January, one thousand eight hundred and thirty-one, to return his delinquent list to the auditor of public accounts, who shall receive, audit

and allow the same. in the manner he would have done, had the sheriff of said county made his return as now prescribed by law. 1831.

CHAP. CCCCXLVI.

AN ACT for the benefit of Lucy and John Hackley.

Approved, January 8, 1831.

WHEREAS, George Hackley, a free man of color died possessed of both real and personal estate, leaving a wife, Lucy Hackley, a free woman of color, and his son John, who was the slave of the said George when he died, but was intended to be emancipated by his father, George: And, *whereas*, doubts exist whether there was such marriage between the said George and Lucy, as would entitle her to dower in the estate of said George: Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said John Hackley shall be, and is hereby declared to be emancipated and made free, subject, however, to the claims of any creditor of said George Hackley, in the same manner as if this act had not passed.

SEC. 2. *Be it further enacted*, That the balance of the real and personal estate, of the said George Hackley, subject to the debts of said George, shall vest in the said Lucy, during her natural life, and after her death, shall pass and go to the said John, the son of George and Lucy. *Provided, however*, That nothing in this act shall release the said Lucy and John from administering upon the estate, or being liable and sueable in the same manner, as heirs at law are, for the debts of said George

CHAP. CCCCXLVII.

AN ACT for the benefit of the Sheriff of Boone County.

Approved, January 8, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sheriff of the county of Boone, shall have the further time of two months,

1831. from and after the passage of this act, to return his delinquent list to the Auditor of public accounts; who shall receive, audit and allow the same, in the same manner he would have done, had it been presented within the time now prescribed by law.

CHAP. CCCCXLVIII.

AN ACT to establish the town of Moscow, in Hickman County, and to incorporate a Seminary of Learning in said town, and for other purposes.

Approved, January 8, 1831.

The town of
Moscow
established.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the town of Moscow in Hickman county, be, and the same is hereby established, upon the plan which has been formed and laid down by the original proprietor and citizens of said town; and said plan is hereby ratified and confirmed.

Trustees ap-
pointed.

SEC. 2. *Be it further enacted,* That Matthew Patton, Joseph Ury, Samuel P. M'Fall, William Neill, William Mahan and Henry Doom, and their successors in office, who are hereby appointed and created trustees of said town; and said trustees shall remain in office until the first Monday in January 1832; on which day, and on the first Monday in said month, in each succeeding year, the free male inhabitants of said town, of the age of twenty-one years and upwards, shall meet at such place as may be designated by the trustees of said town, and choose by vote, *viva voce*, six fit persons for trustees, to serve for one year, and until their successors are duly elected.

To be elected
annually.

Their power
and duties.

SEC. 3. *Be it further enacted,* That the said trustees shall appoint a town clerk, who shall continue in office until the election succeeding his appointment, and in like manner, each board of trustees, shall appoint a clerk to serve for the same term, whose duty it shall be to keep a fair record of the proceedings of the trustees, and to give public notice, by advertisement in said town, at least ten days previous to any election for trustees; and he shall, together with any two of the trustees, conduct all elections, and declare the persons elected, and make record of the same.

Sec. 4. *Be it further enacted*, That should the citizens of said town, at any time hereafter, fail to have an election, on the day appointed in this act, that then, and in that case, the clerk, or any trustee, may, by giving ten days previous notice, have an election held for trustees, which shall be as legal as though it had taken place on the day herein appointed.

1831.

Trustees for the town, regulation for election of.

Sec. 5. *Be it further enacted*, That the trustees herein appointed, and their successors in office, a majority of them concurring therein, shall have full power to pass all laws, which they may from time to time, think advisable for the government of said town, provided they be not contrary to the laws and constitution of this state.

Trustees may enact by-laws.

Sec. 6. *Be it further enacted*, That Rezin Davidge, senior, Thomas W. Chambers, William H. Patton, Drew A. Outlaw, Joseph Drury, and Philander Priestly, are hereby appointed trustees for the seminary in the town of Moscow, which shall be known and called the Moscow seminary; and that said trustees are hereby created and constituted a body politic in law and in fact, and shall have full power to sue, and be sued, plead and be impleaded, in all courts of law or equity, and to do all other matters and things in the name of the trustees of the Moscow seminary, and shall have full power (a majority of them concurring therein) to make such regulations for the government of said seminary, as they may deem expedient. *Provided*, The same is not in violation of the constitution, or laws of this state.

A seminary established in said town and trustees appointed.

Incorporated.

Corporate powers.

Sec. 7. *Be it further enacted*, That when any vacancy may happen in the board of Trustees as aforesaid, said vacancy, shall be filled by those in office, a majority of them concurring therein.

How vacancies may be filled.

Sec. 8. *Be it further enacted*, That the trustees for the town of Wilmington, shall have full power to sell the balance of the unsold lots in said town; and may convey those heretofore sold by their predecessors, or the commissioners for said town, and any conveyance made as aforesaid, shall be as valid, as though such conveyance had been made by the trustees or commissioners making such sale. *Provided*, That such conveyance is made in the manner, that such trustees or commissioners were authorized to make it.

Trustees of Wilmington may sell and convey, the unsold lots in said town, &c.

1831.

Trustees ap-
pointed to
Cloverport.

Sec. 9. *Be it further enacted*, That David R. Murray, John Work, George Lahuist, Horace M. Newton and James W. Flanagan, are hereby appointed trustees to the town of Cloverport, in the county of Breckinridge, and may serve in that character, until the first Monday in September next. *

Trustees ap-
pointed to
Hawesville.

Sec. 10. *Be it further enacted*, That Charles S. Lander, Samuel C. Jennings, Albert G. Hawes, David Adams, and Nathaniel Maxey, are hereby appointed trustees to the town of Hawesville, in the county of Hancock, and they may serve in that character, until the fourth Monday in September next.

Trustees for
Cloverport to
be elected
annually.

Sec. 11. *Be it further enacted*, That on the first Monday in September next, there shall be an election held at the house of Horace M. Newton, in Cloverport, and every successive year thereafter, to elect five trustees to said town, and that at said elections all the white male inhabitants of said town, over the age of twenty one years, shall be entitled to vote.

Also for the
town of
Hawesville.

Sec. 12. *Be it further enacted*, That on the fourth Mondays in September, in every year hereafter, there shall be an election, at the court house, in Hawesville, for five trustees of said town; and each white male inhabitant of said town, shall be entitled to vote; and, that the trustees hereby appointed, and their successors, shall be vested with all the powers given by law to the trustees of towns in this Commonwealth.

CHAP. CCCCXLIX.

AN ACT to authorize James Jones, to build a mill dam across the South Fork of Little Barren River.

Approved, January 8, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful, for James Jones of Barren county, to build a dam across the south fork of Little Barren river, adjoining his lands, for the purpose of erecting a water, grist and saw mill thereon, under the same regulations as are now provided by law.

Sec. 2. *Be it further enacted*, That whenever it shall be required by a majority of the justices of Barren county court, the said James Jones, shall, within

reasonable time, erect and build a good and sufficient slope on said dam, under the same regulations, as are provided in an act, approved, the 22d day of December, 1802, in case of dams on Salt river, and the Beech fork of Salt river.

1831.

CHAP. CCCCL.

AN ACT to amend an act, entitled "an act to organize two Fire Companies in the town of Lexington," and for other purposes.

Approved, January 8, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of the first section of an act, entitled "an act to organize two Fire Companies in the town of Lexington, and for other purposes," as authorizes the number of seventy-five members to a company; and so much of the fifth section as exempts the members of said companies from serving on petit juries, be, and the same is hereby repealed.

Part of the provisions of the recited act repealed.

Sec. 2. *Be it further enacted,* That the said companies shall not consist of more than fifty members, and the said companies shall have power to adopt such constitution and by-laws, as may be deemed by them advantageous for the purpose of extinguishing fires, and securing property endangered by fire, agreeable to the provisions of the laws enacted for their government.

Said companies not to consist of more than 50 members.

Sec. 3. *Be it further enacted,* That the trustees of the town of Augusta, in levying the tax authorized by the act "to organize a fire company in the town of Augusta, approved, 28th January, 1830;" shall be confined to the in lots of said town, and such out lots, as may have buildings thereon.

Construction to be given to an act of 1830, concerning the town of Augusta.

Sec. 4. *Be it further enacted,* That when the out lots are improved by the buildings thereon, only so much of said out lot shall be valued, including each tenement, as shall be equal in size to an in lot.

Sec. 5. *Be it further enacted,* That an act, entitled "an act to alter the mode of appointing trustees, to the Montgomery academy, approved, November 15, 1822, be, and the same is hereby repealed.

Act of 1822, relative to the Montgomery academy," repealed.

1831.

Trustees to
be appointed
by the county
court.

Repealing
clause.

Trustee of
Jeffersonville
to be also ap-
pointed by
said court.

Sec. 6. *Be it further enacted*, That whenever it may be necessary to have trustees to said academy, the county court of Montgomery county, is hereby required to appoint five fit persons as trustees, (any three of whom shall fill a board) who shall be vested with full power to transact all business in relation to the interest of said academy. All laws coming within the purview of this act, are hereby repealed.

Sec. 7. *Be it further enacted*, That the said county court of Montgomery, is also required to appoint five fit persons, as trustees for the town of Jeffersonville, (any three of whom shall form a board to transact business,) who shall be vested with all the powers which the trustees originally had, for the purpose of conveying the titles to lots, and all other business for the interest of said town. All laws coming within the purview of this act, are hereby repealed.

CHAP. CCCCLI.

AN ACT to amend an act, entitled "an act for the benefit of the Surveyor of Hopkins County."

Approved, January 8, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of an act, entitled "an act for the benefit of the surveyor of Hopkins county, approved, February 3, 1828," as allows the said surveyor one and a half cents for every twenty words of the transcript, directed by said act, to be made of the Hopkins county court certificates, warrants and surveys, be, and the same is hereby repealed.

Sec. 2. *Be it further enacted*, That it shall be lawful for said surveyor to receive the sum of twenty-five cents for every plat and certificate of survey, which he may transcribe according to the directions of said act; and it shall be the duty of said surveyor to copy the plats and certificates of survey in a well bound book, to be preserved by him, in his said office. And the said sum of twenty-five cents hereby allowed the said surveyor, shall be levied by the county court of Hopkins, and paid to the said surveyor out of the county levy of said county.

CHAP. CCCCLII.

1831.

AN ACT to amend an act, entitled "an act for the benefit of Elizabeth Griffin, and for other purposes; approved, January 23, 1818."

Approved, January 12, 1831.

WHEREAS, under and by virtue of an act entitled "an act for the benefit of Elizabeth Griffin, and for other purposes, approved January 23, 1818," John W. Beckwith, John Graham and Wier Tilford, were appointed commissioners to sell and convey the lots specified in said act; and it being represented to the General Assembly of the Commonwealth of Kentucky, that they made sale of said lots and took bonds for the purchase money, according to the requisitions of said act; but after the sale, and before conveyance, the said Beckwith departed this life; and doubts exist whether Graham and Tilford, the surviving commissioners, have power to convey the legal title of said lots to the purchasers. For remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said John Graham and Wier Tilford, they or the survivor of them, be, and they are hereby invested with power to make the conveyances aforesaid, as fully and completely as the said John W. Beckwith, John Graham and Wier Tilford could have done, when the said Beckwith was in life,

CHAP. CCCCLIII.

AN ACT for the benefit of Tabitha Alford.

Approved, January 12, 1831.

WHEREAS, it is represented to this General Assembly, that John Taylor did, on the 6th of February, 1826, file a plat and certificate in the Register's office, for fifty acres of land, lying in Casey county, and obtained the Register's receipt therefor, and that the said John Taylor has since assigned the receipt of the Register to Tabitha Alford: And *whereas*, it is further represented, that the said John Taylor has removed from this Commonwealth: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Register of the land

1831. office is hereby authorized and directed to issue a patent for the said fifty acres of land, in the name of Tabitha Alford, instead of John Taylor.

CHAP. CCCCLIV.

AN ACT to amend the several acts incorporating the Louisville Turnpike Company.

Approved, January 12, 1831.

Parts of certain acts of Assembly revived and re-enacted, and commissioners appointed to open books for the subscription of stock.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of an act, entitled "an act to incorporate the Georgetown and Cincinnati Turnpike Company, and for other purposes," as incorporates the Louisville turnpike company, and so much of the several acts as amends the charter of the Louisville turnpike company, be, and the same are hereby revived and continued in force; and in lieu of the commissioners appointed by said acts, Basil N. Hobbs, William Pope, senior, Garnett Duncan and John P. Oldham, are appointed commissioners to open books for the subscription of the stock in said company, and shall proceed as prescribed in the charter as amended.

The road may be located on the most convenient ground.

Sec. 2. *Be it further enacted,* That the president and managers of the Louisville turnpike company, shall have the right to locate said road on such ground as will be most convenient to the public, and the interest of the stockholders.

Juries, to assess damages, to consist of 12 freeholders

Sec. 3. *Be it further enacted,* That when it shall be necessary to have a jury to assess damages, as provided for in the charter of said company, the jury shall consist of twelve freeholders, who shall agree in their verdict as to the amount of damages or compensation.

CHAP. CCCCLV.

AN ACT to authorize the overseer of the Crab Orchard and Wilderness Road, to work on water street in the town of Mount Vernon.

Approved, January 12, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the overseer of the

Grab Orchard and Wilderhess road, be, and he is hereby directed to open and keep in repair, water street, in the town of Mount Vernon, in Rockcastle county. 1831.

Sec. 2. *Be it further enacted*, That the citizens of said town, subject to work on roads, shall work two days in each year, by the overseer of said road giving them legal notice, and in case they fail or refuse to work when notified, they shall pay one dollar per day, for each day which they may fail or refuse to work on said street, which shall be recoverable before any justice of the peace in said county, and when collected, to be applied to the repairing of said road in the same manner as the money taken in at the turnpike gate.

CHAP. CCCCLVI.

AN ACT providing for the appointment of Commonwealth's Attorneys.

Approved, January 12, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall be appointed by the Governor of this Commonwealth, by and with the advice and consent of the Senate, a proper person, resident within the bounds of each judicial district, in this Commonwealth, as attorney for the Commonwealth in such district, who shall continue in office for two years, should he conduct himself well, and attend to the several circuit courts within his district, and prosecute all pleas of the Commonwealth arising therein; and such and every attorney so appointed, shall annually receive for his services, the sum of three hundred dollars, to be paid out of the public treasury, upon a warrant from the Auditor, as in other cases. To hold his office two years. His pay.

Sec. 2. *Be it further enacted*, That it shall be the imperative duty of the several circuit courts in this commonwealth, if the attorney so appointed, shall fail to attend any circuit court within his district, to appoint *pro tempore*, some fit person to prosecute for the Commonwealth, during the absence of such attorney; and such circuit court shall certify in whose room Duty of courts where Commonwealth's attorney fails to attend court.

1831.

Pay of the
person ap-
pointed in his
place, to be
deducted
from his
salary.

such services were rendered, and the amount of allowance, and what deduction is to be made from the annual salary of such absent attorney; and the attorney *pro tempore* may produce to the auditor, at any time before the annual salary of such attorney may become due, such certificate of the court aforesaid, and the Auditor shall issue to the holder of such certificate, upon the delivery thereof, a warrant upon the treasury for such amount, which shall be paid accordingly; and the Auditor shall note such deduction, and when application is made for the annual salary of such absent attorney, the Auditor shall only issue a warrant for the amount of the sum remaining, after deducting the sum certified by the court as aforesaid.

To be paid
quarterly.

Sec. 3. *Be it further enacted*, That the salaries of the attorneys for the Commonwealth, payable out of the public treasury, shall hereafter be payable quarterly, as other officers are now paid.

This act shall continue in force for two years from and after its passage.

CHAP. CCCCLVII.

AN ACT to authorize the Editor of "The Gleaner and Cynthiana Republican," to publish advertisements.

Approved, January 12, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the editor of "The Gleaner and Cynthiana Republican," printed in Cynthiana, be, and is hereby authorized to publish in his newspaper, all advertisements and publications now authorized to be published in any other newspaper in this Commonwealth, except such as are required to be published in the paper of the public printer; and he is hereby authorized to receive the same fees therefor, as are now allowed to other editors for similar services.

CHAP. CCCCLVIII.

1831.

AN ACT for the benefit of Jacob Ward and William Fisher.

Approved, January 12, 1831.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that Jacob Ward of Scott county is a man of unsound mind, and owns a small tract of land in said county, containing about fifty acres, and that his property is not adequate to his support, under its present management: And, *whereas*, it is further represented, that the children of said Jacob Ward have all left him, and the committee appointed for him, has also removed to another county: And, *whereas*, Evan Ward, the son of said Jacob Ward is a resident of the state of Missouri, and is anxious to remove his father to his own house, for the better support of said Jacob, and preservation of his property: Therefore,

Preamble.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the said Evan Ward to present his petition to the Scott circuit court, for the sale of the aforesaid tract of land, and the said court shall thereupon decree a sale thereof, upon such terms as it may deem prudent; requiring the said Evan Ward to give bond, with sufficient security in said court, for the proper and faithful disposition of the proceeds of said sale, for his father's support.

Scott county
authorized to
sell the land
of a person of
unsound
mind.

Sec. 2. *Be it further enacted*, That it shall be the duty of said Evan Ward, to discharge the just debts of the said Jacob Ward, out of the proceeds of said sale, and to vest the remainder thereof in land in the state of Missouri, or to put the same out on interest for the use of said Jacob Ward.

Money how
applied.

Sec. 3. *Be it further enacted*, That it shall be part of the condition of the bond to be executed by the said Evan Ward, that he will support the said Jacob Ward out of the proceeds of the estate, and indemnify and keep the state of Kentucky free from any charge therefor.

Bond to be
given.

And, *whereas*, also, it is represented to the General Assembly of the Commonwealth of Kentucky, that a certain William Fisher has been an idiot since his birth; that he inherited by descent from his father

Preamble.

1831. Thomas Fisher, deceased, a small tract of land, containing thirteen and one half acres, that the same is in the woods and wholly unproductive, and that the other property inherited by him from his deceased father, is not sufficient for his maintenance: Therefore,

Bourbon circuit court may decree a sale of the land of an idiot.

Sec. 4. *Be it further enacted*, That upon a petition being presented to the Bourbon circuit court, by the next friend of the said William Fisher, which must be sworn to, setting forth the facts aforesaid, the judge thereof, may, in his discretion, order the sale of the said thirteen and one half acres of land, upon such terms as may be deemed most advisable; the proceeds of sale to be applied by some discreet and responsible person, to be appointed by the court, towards the support and maintenance of said William Fisher; such person first executing bond with sufficient security, conditioned for the faithful performance of the orders of said court, and for a strict account of the proceeds of said sale and its due application.

Sec. 5. *Be it further enacted*, That upon the sale of the land aforesaid, the court may direct such conveyance of the title of said William Fisher to the same, to be made to the purchaser as may be proper.

CHAP. CCCCLIX.

AN ACT to extend the law concerning private passways.

Approved, January 12, 1831.

Private passways may be established to meeting houses.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the several county courts in this Commonwealth, shall have the same power to establish private passways, and to erect gates thereon, to houses of public Worship, within their respective counties, under the same rules, regulations and provisions, as are prescribed in an act of Assembly, entitled "an act to authorize the establishing of private passways;" approved, December the 13th, 1820.

CHAP. CCCCLX.

1831.

AN ACT for the benefit of John Montee.

Approved, January 12, 1831.

WHEREAS, it appears from the petition of John Montee and sundry citizens of the town of Lexington, that said Montee is in close confinement, in the common jail, of the county of Fayette, on judgments of convictions in two cases on indictments, for breaches of the penal laws, against unlawful gaming; that the sums adjudged against him, amount to one thousand dollars, exclusive of costs and damages; that said Montee is poor, and wholly unable to pay said sums, with the damages and costs, which have accumulated thereon; and it also further appearing, that said Montee has a family dependent upon his exertions to obtain a livelihood, now in a state of suffering. But it also appearing, that as to one of the fines, the Commonwealth, hath obtained a judgment against the securities of the said John Montee, who are represented as good and able to pay and discharge the same: And, *whereas*, The said Montee and others, pray a law may pass for his benefit. For remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That on the said John Montee, applying, by his petition, to the circuit judge of the circuit court of Fayette, for his discharge; it shall be the duty of said judge, to give to the Commonwealth's attorney, and the securities of the said Montee, due notice of the time and place, where he will administer the oath of an insolvent debtor to said Montee; and on said Montee's delivering to said judge a full, true and faithful schedule of all his lands, goods and effects, as well as all his claims and credits, and taking the oath prescribed by law for insolvent debtors, it shall be lawful for the judge to discharge him from confinement, on the judgment for which there is no security given; and on the said securities giving their written assent to his discharge, to discharge him upon the judgment for the payment of which, such securities may stand bound; and moreover to direct that whatever proceeds of his estate may be made, shall be first applied to the payment of the judgment for which they are bound; and the balance, if any, to the payment of that, for which no security

Montee may take the oath of an insolvent debtor, and be discharged from imprisonment for fines.

His securities to assent.

His effects surrendered to be applied to the payment of the fines.

1831. has been given. But if said securities shall fail, and refuse to give such assent, the judge shall not discharge the prisoner on the judgment for which the securities are bound; but re commit him, until the same is paid by himself or securities, together with all costs and damages accruing thereon. But so soon as the same shall be paid by him or his securities, the said Montee shall be entitled to his discharge. *Provided, however,* That nothing in this act shall be so construed, as to release, or in any manner to affect the liability of the securities of said John Montee, to the Commonwealth, or their rights as creditors, to sue for, and recover, all or any sums which they may have been, or shall hereafter be compelled to pay for him.

Securities to be bound till the fines be paid.

CHAP. CCCCLXI.

AN ACT to amend an act, entitled "an act establishing a Turnpike on the road leading from Georgetown to Cincinnati, and for other purposes, approved, February 8th, 1819."

Approved, January 12, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter, James Harwood and Peter Jones, of the county of Scott; John Glass of the county of Owen; Abner Gaines, of the county of Boone; and Henry Childers, and Hubbard B. Smith, of the county of Grant, be, and they are hereby appointed commissioners, to act, under the provisions of the act to which this is an amendment; and shall have, to the exclusion of all others, the powers and authority given to the commissioners named in said act.

Commissioners appointed to carry into effect the provisions of the recited act.

SEC. 2. *Be it further enacted,* That the three first named of the commissioners hereby appointed, shall have, and exercise their powers particularly with relation to the southern gate, erected upon the said road, and that the three last named of said commissioners shall exercise their power and authority, particularly with relation to the northern gate, erected on the said road.

In what manner the commissioners are to exercise their powers.

SEC. 3. *Be it further enacted,* That the act to which this is an amendment, shall, accordingly to its original intention, be held and taken, so far as it allows tolls for the passage of wagons and other wheel carriages,

Regulations in regard to tolls, for passing gates.

through the gates on said road, to include the passage of the teams of horses, mules, or oxen, usually employed in the draught of such wheel carriages; and that hereafter, no toll shall be taken or received by the keepers of the said gate for any animals of draught, usually or necessarily employed in the draught of any wheel carriage, for which toll is allowed by the act, to which this is an amendment.

CHAP. CCCCLXII.

AN ACT for the benefit of Christopher Heavner.

Approved, January 12, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the surveyor of Warren county, on the application of Christopher Heavner, to survey two hundred acres of land, lying in said county, granted, by virtue of a certificate to William M'Henry, by the county court of Warren, at their June term, 1802; and it shall be the duty of the Register of the land office, when the plat and certificate of said survey shall be returned to his office, to issue a patent for the said two hundred acres of land to the said Christopher Heavner.

Sec. 2. This act shall not be construed to give a preference to the claim of said Heavner, over the claim or claims of other persons, conflicting therewith, if any such there be, nor in any other manner, than to complete the title of said Heavner by carrying the same into grant.

CHAP. CCCCLXIII.

AN ACT to permit James Lewis to build a Mill Dam on the North Fork of the Kentucky River.

Approved, January 13, 1831.

SEC. 1 *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful, for James Lewis, of the county of Perry, or his heirs or assigns, to build a dam at the ripple, in the North fork of the Kentucky river, at his house,

1831. not exceeding three feet high at the middle of the river, for the purpose of working a grist and saw mill, and any other water works he or they may think proper to erect.

Sec. 2. *Be it further enacted*, That the county court of Perry, shall have the power to cause said dam to be pulled down or lowered, at the expense of said Lewis, whenever it shall be proven to their satisfaction, that it is an obstruction to the navigation of the river; and that they may at any time, cause the said Lewis, his heirs or assigns, to build a slope to said dam in such manner, as shall be by them described. *Provided*, The said Lewis shall have reasonable notice of the time any such motion is intended to be made.

CHAP. CCCCLXIV.

AN ACT to establish a state road from Hopkinsville by the way of Cadiz; Canton, J. C. Pentecost's Ferry, on the Tennessee River, Waidsboro' and Mayfield, to the town of Columbus, on the Mississippi River

Approved, January 13, 1831.

Recital.

WHEREAS, it appears to the General Assembly of Kentucky, That it would greatly conduce to the convenience and interest of the public, to cause a state road to be opened from Hopkinsville, by the way of Cadiz, Canton, John C. Pentecost's Ferry, on the Tennessee river, Waidsboro' and Mayfield to the town of Columbus, on the Mississippi river: wherefore,

Commissioners appointed to view and mark the proposed road.

Their duties, pay and mode of payment.

SEC. 1 *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Henry Hauley of Christian county, Edmund Bacon of Trigg county, B. Ward of Calloway county, John Anderson of Graves county, and Joseph Grundy of Hickman county, be, and they are hereby appointed commissioners, whose duty it shall be, or a majority of them, to view and mark out the best, and most practicable route for a road from Hopkinsville, by the way of Cadiz, Canton, John C. Pentecost's ferry, on the Tennessee river, Waidsboro' and Mayfield to the town of Columbus, on the Mississippi river, which commissioners shall receive one dollar and fifty cents per day each, for their services while necessarily engaged in performing the

duties assigned them by this act, which shall be paid out of the several county levies, through which said road runs; and the said commissioners shall make out their accounts separately of the time they have been engaged in each county, which they shall swear to before some justice of the peace of one of said counties; and, on their account being so sworn to, and presented to the county court of each county, at their next court of claims, the said counties shall levy the same on their respective counties, for their benefit.

1831.

Sec. 2. *Be it further enacted*, That it shall be the duty of said commissioners, to make said review in the month of April next, if practicable; if not, so soon thereafter as may be; and it shall be their duty also, to report to the county courts of each county, through which said road passes, the whole of their proceedings, describing as accurately as possible, the kind of ground and the water courses over which it runs; and also to report as accurately as they can, through whose land said road is proposed to pass, and whether there be any objection on the part of any of the land holders to said road passing through their land; and it shall be the duty of the county court, of the county in which any such objection be made, to issue their summons against the owner of said land, who may reside in said county, returnable to the court next succeeding the making said report, to shew cause, if any, why said road should not be opened; and upon the appearing of said owner or owners, and shewing cause why said road should not be opened through their land, it shall be the duty of the county court, of the county in which said land lies, to issue their writ of *ad quod damnum*, directed to the sheriff of said county, whose duty it shall be, to proceed thereon as now directed by law, in other cases in relation to public roads. And it shall also be the duty of the county courts, where any writ or writs may be returned to them, awarding or assessing to any individual or individuals any damages, if they deem it expedient, at their next court of claims, to cause an order to be entered up, in favor of said individual or individuals, for the amount of the damages sustained by them respectively, and shall lay a levy sufficient to cover the amount of said claims.

To make reports to the courts of the several counties through which the road is proposed to be run.

Who authorized to condemn land for the location of the road.

Mode of assessing and paying damages.

Sec. 3. *Be it further enacted*, That it shall be the duty of the several county courts, through whose County courts to

1831.

cause the
roads to be
opened, ap-
point over-
seers, allot
hands, &c.

county said road shall pass, at the next county court after the return of the commissioners aforesaid shall have been made, or as soon thereafter as convenient, to lay off so much of said road as shall pass through their respective counties into convenient precincts, and appoint to each an overseer, and allot to each overseer, a sufficient number of hands to perform the necessary labour within his bounds; and it shall be lawful for each overseer to give notice to each person within his bounds, of the time and place of working on said road; and the said overseer and hands shall, in all other respects, be governed by the laws now in force in relation to working on roads. And it shall be the duty of the said overseers, to cause the said road to be opened twenty feet wide, the stumps well cut, the banks of creeks and other sideling places, to be well dug and graduated, and all marshy places to be well causewayed, so as to admit of a convenient passage for all kind of carriages.

The road,
when opened,
not to be
changed, but
to be kept in
good repair.

Sec. 4. *Be it further enacted*, That when the said road shall have been opened as aforesaid, it shall not be lawful for the county courts of said counties to alter or change the same, but they shall, at all times, appoint overseers and a sufficient number of hands to keep the same in good repair.

CHAP. CCCCLXV.

AN ACT to make some changes in the state road in Floyd and Morgan County.

Approved, January 13, 1831.

The county
courts of
Floyd and
Morgan, au-
thorized to
make certain
changes in the
state road, at
the expense
of those mak-
ing the ap-
plication.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county courts of Morgan and Floyd counties, shall have full power to appoint four disinterested commissioners, any three of whom may act, after being duly sworn, impartially to review that part of the road leading from Mountsterling to Prestonsburg, which passes over the land of John Gose and Elliott Hill of Floyd county, and William Cockerill of Morgan county, beginning above the narrows near said Gose's farm; and the said commissioners shall report to the said county courts, the conveniences and inconveniences the public as well as

individuals may sustain by the change which is contemplated; and on the return of said reports, the county courts aforesaid shall have full power, if they deem it advantageous to the public, to make an order to change said road at the expense of said Gose, Hill and Cockerill, each being liable to the amount of expense accruing on the change of that part of the road passing through their land, and liable to an equal proportion of the expense, of so much of said road, as passes through any other land. The road shall be opened and completed in every respect agreeably to the provisions of the act of Assembly, authorizing the opening of the road from Mountsterling to the Virginia line, which road, when so changed, shall be governed in all respects by the laws now in force. *Provided, however,* It shall be necessary that when the county courts aforesaid, make an order to change the aforesaid road, a majority of all the justices in commission, in the aforesaid counties shall be present.

1831.

Proviso.

CHAP. CCCCLXVI.

AN ACT to extend the terms of the Oldham, Bullitt, and Spencer Circuit Courts.

Approved, January 13, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter the circuit court for the county of Oldham, (instead of six,) shall continue to sit twelve juridical days at each term, if the business thereof shall require it.

Oldham circuit court may sit 12 days.

SEC. 2. *Be it further enacted,* That hereafter the February term of the Spencer circuit court, shall continue twelve juridical days, if the business of said court shall require it.

February term of the Spencer circuit court may continue 12 days.

SEC. 3. *Be it further enacted,* That the April term of the Bullitt circuit court, shall be held twelve juridical days, if the business thereof require it.

April term of the Bullitt circuit court 12 days.

1831.

CHAP. CCCCLXVII.

AN. ACT to change the venue for the trial of David Turnham.

Approved, January 13, 1831.

Recital.

WHEREAS, it is represented to the present General Assembly, that David Turnham stands indicted before the Jefferson circuit court, upon a charge of murder, and that owing to the odium of said Turnham, in said county of Jefferson, he cannot have a fair and impartial trial, before a jury of said county, and that he, the said Turnham, is in close confinement in the jail of said county: Therefore,

Turnham may elect to be tried in Oldham county.

Duty of the court, clerk & sheriff of Jefferson, upon his making such election.

To be committed to the jail of Oldham, to await his trial.

Duties assigned to the clerk and sheriff of Jefferson.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the judge of the circuit court of the county of Jefferson, shall, on the first day of the next term of the said circuit court, cause the said Turnham to be taken from the jail of said county of Jefferson, in which he is now confined, and brought to the bar of said circuit court; and the said Turnham may then and there make his election, to be tried in the Oldham circuit court, which election, if made by said Turnham, shall be noted on the record, and thereupon it shall be the duty of the judge of the Jefferson circuit court, to order the said Turnham to be taken forthwith by the sheriff of said county of Jefferson, to the county of Oldham, and delivered over to the jailor of said county of Oldham; and it shall be the duty of the said jailor, to receive said Turnham, and commit him to the jail of said county of Oldham, there to be kept by him, until he shall be tried for the offence with which he stands charged in said indictment, or is otherwise discharged according to law.

Sec. 2. *Be it further enacted,* That it shall be the duty of the clerk of the circuit court of Jefferson county, to make out full and complete copies of all the orders entered by him, relative to the prosecution of said Turnham, upon said indictment, and shall forward the same by the sheriff of Jefferson county, with all writs, indictments and other papers, filed in said court, relative to said prosecution, to the clerk of the circuit court of the county of Oldham; and the clerk of the Jefferson circuit court shall take the receipt of the said sheriff for the whole of said papers, and the sheriff shall in like manner take the receipt of the

clerk of the circuit court of Oldham, for the said papers upon the delivery thereof to him; and the said sheriff of Jefferson, shall perform each and every duty by this act required of him, with all possible despatch; and he shall have five cents per mile, in going to, and returning from Oldham county, to be paid out of the public treasury. The performance of said services to be certified by the clerk of the circuit court of Jefferson.

1831.

Allowance to the sheriff.

Sec. 3. *Be it further enacted*, That upon the indictment aforesaid, and the proceedings had thereon, being certified to the Oldham circuit court, as herein before provided, the judge of the said Oldham circuit court, shall take cognizance thereof, and of every thing incident thereto, and in all things shall proceed in the same manner, as though the offence for which said Turnham is indicted, had been committed in the said county of Oldham, and the indictment had been found by a grand jury thereof.

Oldham circuit court invested with power to try the case, &c.

Sec. 4. *Be it further enacted*, That it shall be the duty of the judge of the Jefferson circuit court, at the time of the election of said Turnham, to be tried in the Oldham circuit court, to recognize such witnesses as may then be present, to appear at the next ensuing term of the Oldham circuit court; and the said last mentioned court, shall proceed upon such recognizances, in the same manner as if they had been taken therein; and in case the indictment shall be quashed, or any judgment thereon against said Turnham be arrested, he, the said Turnham, shall be subject to the same proceedings, as if the offence with which he stands charged, had been committed in the county of Oldham.

Witnesses to be recognized, to appear at the trial.

Sec. 5. *Be it further enacted*, That the clerk of the Oldham court, shall be, and he is hereby authorized and required to issue a *venire facias*, subpœnas, and all other necessary process, as though the said prosecution had been originally commenced in the county of Oldham.

A new indictment and new proceedings may be instituted in Oldham.

Duty of the clerk of the Oldham circuit court.

Sec. 6. *Be it further enacted*, That the witnesses who attend the Oldham circuit court, at the time of the trial of said Turnham, being recognized or summoned to depose against or in favor of said Turnham, shall be allowed the same per day, and for travelling as witnesses are allowed in civil cases.

Allowance to witnesses.

1831. • *Sec. 7. Be it further enacted,* That the sheriff of said county of Jefferson, shall summon as many persons as may be necessary to guard and conduct the said Turnham, safely, from the county of Jefferson to the seat of justice of Oldham county, not less than two, nor more than five; and that said persons so summoned as guards, for their services, shall be allowed the sum of five cents per mile, in going to, and returning from the jail in Jefferson county, to the jail in Oldham county, to be paid out of the treasury of this Commonwealth; the distance to be certified by the clerk of the Jefferson circuit court.

Sheriff of Jefferson to summon guards to convey the prisoner to Oldham.

Allowance to the guards.

A new indictment may be found in Oldham, &c.

Sec. 8. Be it further enacted, That if the indictment shall, for any cause, be quashed, or held to be defective, in form or in substance, that it shall and may be lawful for the circuit court of Oldham, to direct the attorney of the Commonwealth, or for the attorney of the Commonwealth, without such direction, to present to a grand jury of Oldham county, a new indictment from time to time, in the same manner as if the offence had been committed in Oldham county; and for the court to proceed and try, and pass judgment, and cause the same to be carried into execution upon the prisoner, in all respects, upon any such new indictment, as fully, as if the offence had been committed in the county of Oldham.

Sheriff of Oldham to summon venire, &c.

Sec. 9. Be it further enacted, That it shall be the duty of the sheriff or other proper officer, to summon *venires* from time to time, from the qualified jurors in like cases, from the citizens of the county of Oldham, or such others as may be summoned as talesmen or bystanders; and such jurors or *venire* men, when duly sworn and empanelled shall have all the power and right to try the prisoner, that they would have had, if the offence had been committed in the county of Oldham.

Proviso.

Sec. 10. Be it further enacted, That nothing in this act shall be so construed as to deprive the circuit court of the county of Jefferson, of jurisdiction over the offence of which the said Turnham stands charged, should said Turnham make his escape before final judgment, or from any cause whatever, the circuit court of Oldham shall fail to pass final judgment on the said Turnham. But, in that event, the said circuit court of Jefferson county shall have all right, power

and authority to try the accused, and to pass judgment; and cause the judgment to be carried into effect, that they now have or would have, if this act had never been passed.

1831.

Sec. 11. *Be it further enacted*, That when the prisoner shall be brought to the bar of the Jefferson circuit court to make his election, the court shall cause this act to be read and explained to the prisoner, and shall demand of him, if he freely and voluntarily consents, to all and every provision of this act; and if he does so consent, then such consent shall be entered upon the records of said court, and certified with the other papers to the clerk of the circuit court of Oldham county.

This act to be read and explained to the prisoner, before he makes his election.

CHAP. CCCCLXVIII.

AN ACT to appoint Commissioners to settle with the Trustees of the Estill Seminary lands, and for other purposes.

Approved, January 13, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Beverly Broadus, Ansel Daniel and Nicholas Merrill, be appointed commissioners to settle with the trustees of the Estill seminary lands, and receive from them all sums of money in their hands, that properly belongs to said seminary.

Commissioners appointed to settle with the trustees of the Estill seminary lands, &c.

Sec. 2. *Be it further enacted*, That the said commissioners, when they shall receive the money now in the hands of the trustees, shall cause the same to be expended in building a seminary of learning in the town of Irvine, and purchasing a lot of ground, not exceeding one acre, for that purpose.

To expend the money received in the purchase of a lot, &c.

Sec. 3. Should the said trustees, after having a reasonable notice for that purpose, fail or refuse to make the settlement aforesaid, or to pay over the several sums in their hands, it shall be the duty of the commissioners to institute an action against them in the Estill circuit court, for the recovery of the several sums in their hands; which, when recovered, shall be appropriated as before in this act directed.

Commissioners may institute suit against the trustees, &c.

Sec. 4. Before the said commissioners shall enter on the discharge of their several duties, they shall

To execute bond with

1831. enter into bond in the Estill county court, in a penalty to be fixed by said court, for the faithful discharge of their duties, which bond shall be given to the county court, and may be put in suit for a breach of its conditions.

security, in
Estill county
court.

CHAP. CCCCLXIX.

AN ACT to change the time of holding the Circuit Courts in the fourth Judicial District, and for other purposes.

Approved, January 13, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the several circuit courts, composing the fourth judicial district, shall hereafter be held as follows:

Time of hold-
ing circuit
courts in the
4th judicial
district.

In Anderson
county.

The Anderson circuit court shall be held on the third Mondays in February and June, and on the fourth Monday in September in each year, and may sit twelve juridical days at the February and June terms, and six days at the September term.

Franklin.

The Franklin circuit court shall hereafter hold its terms, commencing on the first Mondays in March, July and October, and may continue in session twelve juridical days at each term.

Shelby.

The Shelby circuit court shall hold its terms, commencing on the third Mondays in March, July and October, and may sit twelve juridical days at each term.

Henry.

The Henry circuit court shall hold its terms, commencing on the first Monday in April, the second Monday in August, and the second Monday in November, and may sit twelve juridical days at each term.

Gallatin.

The Gallatin circuit court shall hold its terms, commencing on the third Monday in April, the fourth Monday in August, and the second Monday in November, and may sit six juridical days at each term.

General
court to hold
its summer
session in
June.

SEC. 2. *Be it further enacted*, That the general court shall commence and hold its term on the second Monday in June in each year, instead of the second Monday in August, and may sit six juridical days, if the business shall require it.

All process,

SEC. 3. *Be it further enacted*, That all process, recognizances, rules and orders of courts heretofore

issued or made, and which shall be returnable to the terms of said courts respectively, as heretofore directed, shall stand returnable, severally, to the first terms of said courts respectively; and all causes, civil and criminal, shall stand for trial at the first terms of said courts respectively, as directed by this act, which shall be valid in law. 1831. recognizances &c. declared valid and legal.

CHAP. CCCCLXX.

AN ACT to change the place of voting in the upper Precinct, in Monroe County, and for other purposes.

Approved, January 13, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the place of voting in the upper Precinct, in Monroe county, is changed from the house of Joseph Hall, to the house of William C. Trice, in said Precinct. Place of voting therein changed to Trice's.

SEC. 2. *Be it further enacted,* That there shall be an election precinct established in the county of Henry, to include the town of Port Royal; the elections to be held in said precinct, shall be held at the house of George Gains in said town. The county court of said county shall appoint judges and a clerk to attend the elections in said precinct. Election precinct established in Henry county.

CHAP. CCCCLXXI.

AN ACT to add part of Ohio County to Breckinridge.

Approved, January 13, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all that part of Ohio county, included in the following boundary, to-wit: Beginning at the mouth of Rock Lick creek, thence down Rough creek to the mouth of Pipe run; thence up the same to the road leading from Landrum's mill to Cloverport; thence with said road to the Hancock county line; thence with said line to the Breckinridge county line; thence with the same to the beginning; be added to the county of Breckinridge. Boundary of the addition to Breckinridge.

1831.

Sheriff of
Ohio to exe-
cute process,
and collect
taxes and fee
bills therein.

Sec. 2. *Be it further enacted*, That it shall be law-
ful for the sheriff of Ohio county, to execute all law
process, which may be in his hands at any time be-
fore this act takes effect, against the persons living in
the above described boundary; and also collect all
taxes and fee bills which may be due by them, and in
his hands for collection.

Sec. 3. *Be it further enacted*, That this act shall
not take effect until the 25th day of December next.

CHAP. CCCCLXXII.

*AN ACT to authorize the publishing advertisements in the
Louisville Journal.*

Approved, January 13, 1831.

*Be it enacted by the General Assembly of the Common-
wealth of Kentucky*, That all advertisements required
by law, to be made in any authorized newspaper, may
be legally published in the "Louisville Journal," ex-
cept such advertisements, as are by law directed to
be published exclusively in the paper of the public
printer

CHAP. CCCCLXXIII.

*AN ACT for the benefit of Stephen Richardson, Jackson
D. Jamieson and John Emberson Brown.*

Approved, January 13, 1831.

Recital.

WHEREAS, Stephen Richardson of the county of
Pulaski, has represented to this General Assembly,
that he is the father of an only son, called by the
name of Jackson D. Jamieson, which son he is
desirous to legitimate as far as practicable, by giving
to the said Jackson D. Jamieson; all the rights and
privileges of inheritance in and to his estate, in the
same manner, and to the same extent, as if he were
his lawful issue and heir at law; and it is further
represented, that the said Jackson D. Jamieson, is
anxious to be hereafter called, and known by the name
of Jackson D. Richardson: Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the said Jackson D. Jamieson, be hereafter styled, called and known by the name of Jackson D. Richardson. 1831.

Jamieson's
name changed
to Rich-
ardson, &c.

Sec. 2. *Be it further enacted,* That the said Jackson D. Richardson, shall have, possess and enjoy, all the rights of inheritance in and to the estate of the said Stephen D. Richardson, as well real as personal, which he might or could derive, possess, or enjoy from his said father, were he his lawful issue, born in lawful wedlock.

Sec. 3. *Be it further enacted,* That John Emberson Brown, an infant child, in the possession of David L. Condict, senior, of Ohio county, be hereafter called, styled, and known by the name of John Emberson Condict.

Brown's
name changed
to Condict.

Sec. 4. *Be it further enacted,* That this act shall not deprive the wife of said Stephen Richardson of all or any advantages or rights, which she may have after the death of her said husband.

CHAP. CCCCLXXIV.

AN ACT for the benefit of Samuel Blain.

Approved, January 13, 1831.

WHEREAS, it has been represented, to this present General Assembly, that Samuel Blain, agent for the heirs of Clough Shelton, deceased, has twice paid the taxes upon a tract of land, lying in the county of Livingston, together with interest thereon, after the rate of one hundred per centum per annum, for the term of one year: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sum of seventeen dollars and twenty-five and a half cents, be, and the same is hereby appropriated to Samuel Blain, out of any money in the Treasury, not otherwise appropriated.

1831.

CHAP. CCCCLXXV.

AN ACT to change the time of holding certain Circuit Courts.

Approved, January 13, 1831.

Union circuit court when to commence. SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the circuit court, for the county of Union, shall hereafter commence on the second Mondays in March, June and September, and may continue six days at each term, if the business require it. And that the circuit courts for the county of Henderson, shall commence on the third Mondays in March, June and September, and may continue twelve juridical days at each term, if the business shall require it. And that the circuit courts, for the county of Hancock, shall hereafter commence on the fourth Mondays in April, July and October, and may continue six days at each term, if the business shall require it. And that the seventh section of an act, entitled "an act to alter the time of holding certain courts," limiting the Daviess circuit court to four days, be, and the same is hereby repealed; and that hereafter the Daviess circuit court may continue six days at each term, if the business shall require it.

Henderson circuit courts.

Hancock circuit courts.

Daviess circuit courts to continue six days.

Christian circuit court. SEC. 2. *Be it further enacted,* That hereafter, the August term of the Christian circuit court, shall commence on Thursday succeeding the first Monday in said month, and may continue fifteen juridical days, if the business shall require it.

All process from said courts, made returnable to the terms directed by this act. SEC. 3. *Be it further enacted,* That all process, which may have issued from any of the courts, in this act mentioned, shall be returnable to the terms of the courts herein directed to be held; and all appearances, under recognizances entered into in any of said courts, shall be to the terms herein mentioned.

CCCCLXXVI.

AN ACT to appropriate the Fines and Forfeitures of Monroe County, to the improvement of the roads in said County, and for other purposes.

Approved, January 13, 1831.

County SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the act, approved,

January 28th, 1831, entitled "an act, appropriating certain vacant lands to the improvement of the public roads, in the counties of Russell, Monroe, Allen and Cumberland," be, and the same is hereby so amended, as to authorize the county courts of Monroe and Cumberland, each to appoint an agent to sell and assign the warrants for five thousand acres of land, appropriated by said recited act, to the counties of Monroe and Cumberland, for the improvement of the public roads in said county; and the Register of the land office, is authorized and required to register the plats and certificates of survey, made on said warrants and carry them into grant, in the name of the assignees, without fee.

1831.

courts of Monroe and Cumberland, may appoint agents to sell their donation lands, &c.

Sec. 2. *Be it further enacted*, That the sheriff of the county of Monroe, or his deputy, shall pay over to the order of the county court of Monroe, all moneys arising from fines and forfeitures in said county, which he may now have in his hands, or which the said sheriff may hereafter have, to be applied by the said county court, as required by the act before recited, to the improvement of the principal roads in said county.

Fines and forfeitures, in Monroe county, appropriated to improving the roads.

CHAP. CCCCLXXVII.

AN ACT to confirm an order of the County Court of Perry, allowing Jeremiah Combs to build a mill dam across the North Fork of the Kentucky River.

Approved, January 13, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an order made by the county court of Perry, allowing Jeremiah Combs to build a mill dam across the North fork of the Kentucky river, near Perry court house, is hereby confirmed.

Sec. 2. *Be it further enacted*, That the said Jeremiah Combs, shall build a slope to said dam, in such manner as shall be required by the county court of Perry; and that the said county court, shall have the power of lowering said dam at the expense of said Combs whenever it shall be proved to their satisfaction that it injures the navigation of said river. *Provided*, The said Jeremiah Combs, shall have reasonable notice of the time such motion is intended to be made to the court.

1831.

CHAP. CCCCLXXVIII.

AN ACT to amend an act, entitled "an act to change the boundary line, between Rockcastle and Laurel Counties, approved, January 27, 1830."

Approved, January 14, 1831.

Boundary
line between
Laurel and
Rockcastle,
established.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the first day of March next, the line between Rockcastle and Laurel counties, shall run as follows, viz: Beginning on the Crab Orchard road, at the foot of Moss's Hill; thence a straight line westwardly to the nearest part of Rockcastle river, on the west side of the hill; thence down the middle of Rockcastle river to the Laurel line, at the mouth of Little Rockcastle river.

CHAP. CCCCLXXIX.

AN ACT for the benefit of the Washington Academy.

Approved, January 14, 1831.

County court
of Washing-
ton, to ap-
point trustees.

Trustees to
employ a
teacher, &c.

Repealing
clause.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Washington, shall, at the next October or November term of said court, appoint seven trustees, a majority of the court concurring, who shall be, and are hereby constituted a board of trustees to the Washington academy; and in each succeeding year, at the October or November term, of said court, seven trustees for said academy, shall be appointed, who shall continue in office one year, and until their successors, shall be duly appointed, whose duty it shall be to employ a teacher, or teachers in said academy; and that said trustees and their successors in office, are hereby, severally and jointly, invested with the same powers, authorities, privileges, immunities and advantages, as are by law now given to the trustees of said academy; and that all acts, or parts of acts, relative to the Washington academy, contrary to this act, shall be, and the same are hereby repealed.

CHAP. CCCCLXXX.

1831.

AN ACT to establish an Election Precinct in the County of Henderson, and in the County of Hopkins.

Approved, January 14, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an election precinct be, and the same is hereby established at the house of Doke Prewitt, in that part of the county of Henderson, lying north and east of Green river; and it shall be the duty of the Henderson county court, to appoint judges and a clerk of the elections; to meet at the place aforesaid, who, together with the sheriff of said county, or his deputy, shall conduct the elections according to the laws of this Commonwealth. Precinct in Henderson.

Sec. 2. *Be it further enacted*, That an election precinct be, and the same is hereby established at the house of Thomas Reynolds, in the county of Hopkins; and it shall be the duty of the Hopkins county court, to appoint judges and a clerk of elections to meet at the place aforesaid, who, together with the sheriff of said county, or his deputy, shall conduct the elections according to the laws of this Commonwealth, regulating elections. In Hopkins.

CHAP. CCCCLXXXI.

AN ACT for the benefit of John Staton.

Approved, January 14, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That John Staton, sheriff of Adair county, shall have the further time, until the next court of assessment, held for the ninety third regiment of the Kentucky militia, to return a delinquent list of fines, which were assessed in the year one thousand eight hundred and twenty-eight, collectable in the year one thousand eight hundred and twenty-nine; and that the paymaster of the aforesaid regiment is hereby authorized and directed to settle with the sheriff aforesaid, accordingly. Further time given to return delinquent list of muster fines.

1831.

CHAP. CCCCLXXXII.

AN ACT to establish the town of Colemansville.

Approved, January 14, 1831.

Town established, and trustees appointed.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That thirty acres of land, situate on the road leading from Paris, in Bourbon county, to Cincinnati, being a part of the tract of land now owned by Robert S. Coleman, and lying in the county of Harrison, shall be, and the same is hereby established a town, by the name of "Colemansville;" and that Robert S. Coleman, Charles Ebuisus, John Dickerson, Francis S. Coleman and James Ingles, and their successors in office, are hereby appointed trustees of the said town, who, or a majority of them, shall have power to pass all such by-laws as are necessary and constitutional, for the government of said town.

Trustees may fill vacancies and appoint a clerk, &c.

Sec. 2. *Be it further enacted*, That a majority of the trustees shall have the power to fill any vacancy or vacancies that may occur in the board; and it shall be the duty of the trustees to appoint a clerk, who shall be removable at pleasure, and to keep a record of their proceedings.

To convey lots.

Sec. 3. *Be it further enacted*, That a majority of the trustees of said town, shall convey, in fee simple, the lots in said town that now are, or hereafter may be sold, by the said Robert S. Coleman, to the purchaser or purchasers respectively, upon a certificate being produced to them, executed by said Coleman, authorizing the conveyance, and expressing therein the amount to be inserted in the deed, which shall be as effectual to convey the title, as if the conveyance had been made by said Robert S. Coleman.

CHAP. CCCCLXXXIII.

AN ACT for the benefit of the heirs of Quinton Stewart and John Hawkins.

Approved, January 14, 1831.

Preamble.

WHEREAS, it is represented to the General Assembly, that Quinton Stewart, departed this life considerably indebted, leaving a wife and five helpless infant children, and that he died possessed of a tract

or tracts of land in the county of Trigg, amounting in quantity, to from five to seven hundred acres, and also, six young negroes, but considerably indebted: And, *whereas*, it further appears by the representations and petition of the administrators and widow of the said Quinton Stewart, that it will be more for the interest of the widow and children of the said Quinton Stewart, that the lands the said Quinton died possessed of, shall be sold to pay the debts of the said Quinton Stewart, than that the slaves shall be subject to sale. For remedy whereof:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the widow and administrators of the said Quinton, or either of them, to prefer their bill or petition to the circuit court of Trigg, setting forth the indebtedness of said Quinton with reasonable certainty, and the amount of estate real and personal, of which he died possessed, and which have come to their hands or knowledge; on which the court shall award process against the infant heirs of said Quinton, and on the return of it executed, to appoint them a guardian to defend the suit; and on the hearing of the cause, if it shall appear to the judge right and proper so to do, the court may appoint some proper person to make sale of the whole, or such part of the real estate of the said Quinton Stewart, as may be necessary to the payment of the debts, taking bond and security of such commissioner for the faithful execution of the trust; and the court shall have full power and authority, on the report of the commissioner that he had made sale, to decree, that the infants, by their guardian *ad litem*, shall execute any deed or deeds of conveyance, which may be necessary, to the purchaser or purchasers.

1831.
Trigg circuit court may decree a sale of land owned by Quinton.

And, *whereas*, it is further represented to the present General Assembly, that John Hawkins, deceased, by will, devised to his widow, Mary Hawkins, and to his two infant children, Elizabeth Ann and Ellen Hawkins, a tract of land, containing about twenty-four acres, lying in the county of Bourbon, on which were situated a tan yard and currying shop, to be held by his said widow, until her marriage, or until the youngest child should arrive to the age of twenty-one years, and then, upon either event, to be equally divi-

1831. ded between the three; that the same has been rented out until the buildings, vats, &c. have fallen into a state of dilapidation; that the same cannot be kept in repair, whilst it continues to be rented out; that another tan yard will be erected in the same neighborhood, unless the same can be repaired or sold, which will utterly destroy its value: Therefore,

Sec. 2. *Be it further enacted*, That it shall be lawful for the Bourbon circuit court, upon proper application being made by said widow, and by the guardian of said infants, to order and decree a sale of said twenty-four acres of land, or so much thereof as will include said tan yard and currying shop, in such manner and upon such credit, as said court shall deem proper.

Bourbon circuit may decree a sale of land owned by Hawkins.

Sec. 3. *Be it further enacted*, That it shall be the duty of said court, to protect said infants in ordering the sale, by requiring their guardian or guardians, to give bond, with good security, for the proper use or application of the money to be received by them under the sale, according to the laws in force, for the sale of infant's real estate, or in such other manner as to the court may seem best; and said court may decree a conveyance of said land, to be made when all the purchase money shall be paid; which conveyance, when made according to the decree, shall effectually vest in the purchaser, the legal title to said land.

CHAP. CCCCLXXXIV.

AN ACT establishing the town of "Poplar Plains" in Fleming County.

Approved, January 14, 1831.

Town established and trustees to be elected.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there be established a town, on the lands of William Pearce, Truman Day and Thomas Oliver, in the county of Fleming, to be called and known by the name of "Poplar Plains;" and all the free white male citizens, residing in said town, over the age of twenty-one years, and owners of lots therein, shall be authorized to meet at the house of St. Clair Emmons, on the second Saturday in March next, and on the same day in each succeeding year,

for the purpose of electing five trustees for said town, who, when elected, shall have full power and authority with the assent of the proprietors aforesaid, to cause a survey to be made, to designate the boundaries of said town, not exceeding thirty acres, and to cause a plat thereof to be made out, and to be by them recorded in a book, to be by them provided for that purpose; and by and with the like assent of said proprietors, they may lay off the same into lots, streets and alleys. *Provided, however,* That they shall lay out no street or alley, through the lots of any of the present holders of lots, without their express consent; and said trustees shall have full power and authority, to appoint a treasurer and clerk, and to levy any tax upon the free white male citizens of said town, not exceeding fifty cents, and upon the real estate, not exceeding twelve and a half cents, in the one hundred dollars of the value thereof, for the purpose of keeping said streets and alleys in good repair, and defraying their necessary expenses; and said trustees shall have full power and authority to pass any by-laws, rules or regulations, for the good government of said town, which is not inconsistent with the laws of this commonwealth.

1831.

Provide.

CHAP. CCCCLXXXV.

AN ACT for the benefit of the actual settlers West of the Tennessee river.

Approved, January 14, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall not be lawful for any person or persons, to enter within nine months after the passage of this act, any quarter section, or fractional quarter section of land, which may have been improved by any actual settler, in the district of country west of the Tennessee river, at any time before the passage of this act; but such actual settler shall have the exclusive right to enter the same, at any time within nine months from the passage of this act, at the price of twenty-five cents per acre.

Actual settlers have the exclusive right to enter the land settled by them, for nine months.

SEC. 2. *Be it further enacted,* That from and after the passage of this act, the price of the public lands

Price of the land reduced.

1831. belonging to this Commonwealth, west of the Tennessee river, be, and the same is hereby reduced to the price of twenty-five cents per acre.

CHAP. CCCCLXXXVI.

AN ACT to amend the law in relation to keeping the public roads in repair.

Approved, January 14, 1831.

Ploughs and teams may be hired to work on roads.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, it shall be lawful for the surveyors of the several road precincts in this Commonwealth, to employ teams and ploughs, for the purpose of ploughing the roads in their precincts, upon their days of working the same. The use of which teams and ploughs per day, shall be valued, by two disinterested house keepers, the same being duly sworn for that purpose. And the county courts shall have, and they are hereby vested with power and authority, to make an allowance for the said valuation, at their courts of claims. *Provided, however,* that nothing in this act, shall apply to such counties as carried into operation the act of last session, entitled "an act to amend the law in relation to opening and repairing the public roads in certain counties."

Proviso.

CHAP. CCCCLXXXVII.

AN ACT to improve certain roads in Caldwell County.

Approved, January 14, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county court of Caldwell county, a majority of all the justices concurring, may in their discretion, annually, lay in the county levy of said county, a sum not exceeding two hundred dollars, to be applied to the repairing the road from Princeton to Eddyville in said county.

Sec. 2. *Be it further enacted,* That the said court shall appoint one or more commissioners to superintend the repairing the said road, and the proper dis-

KENTUCKY.

91

Burserment of the money, under such regulations and restrictions, as the said court may see proper to impose, and may require the commissioner, to give bond and security for the faithful discharge of his duties, and a report from time to time.

1831.

CHAP. CCCCLXXXVIII.

AN ACT for the relief of the commissioners of the Lunatic Asylum, and for other purposes.

Approved, January 14, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the commissioners, servants and agents, of the Lunatic Asylum, shall be exempted from serving on venuries, grand and petit juries, and also from performing militia duty in time of peace, during their continuance in office, or service in said institution.

Exempted from militia duty and serving on juries.

CHAP. CCCCLXXXIX.

AN ACT to amend an act, entitled "an act for the benefit of Jereboam Beauchamp, approved, January, 1829"

Approved, January 14, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Jereboam R. Beauchamp, and Alexander H. Beauchamp, are hereby authorized, to raise their mill dam, now built across the Rolling fork of Salt river, on the Big falls, opposite the Horse Shoe bend, in Washington county, eighteen inches higher than what is now allowed by law.

May raise a mill dam higher.

CHAP. CCCXC.

AN ACT directing the County Courts, of the Counties through which the state road from Cloverport to Bowling-green passes, to appoint Surveyors to keep the same in repair.

Approved, January 14, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county courts of Breckin-

1831. ridge, Ohio, Grayson, Butler, Edmonson, and Warren, be, and they are hereby authorized and directed, to lay off the several parts of the state road from Cloverport, to Bowlinggreen, that is included in their respective counties, into precincts, and appoint surveyors to keep the same in repair, who shall be governed in all respects, by the laws now in force regulating county roads.

CHAP. CCCCXCI.

AN ACT to repeal an act, entitled "an act for the purpose of having the Edmonson County line run from White's to Hunter's; and also to run the line between Edmonson and Barren, approved, January 29th, 1830."

Approved, January 14, 1831.

Preamble.

Law repealed

Line established.

WHEREAS, it appears to this General Assembly, that the passage of the above recited act was wholly unnecessary, in consequence of the line from White's to Hunter's, having been run by a special act of the Legislature; approved, December the thirteenth, one thousand eight hundred and twenty-five: And, *whereas*, the line between Edmonson and Barren, was run agreeably to the provisions of the act establishing the county: Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the above recited act, approved, January the twenty-ninth, one thousand eight hundred and thirty, be, and the same is hereby repealed.

Sec. 2. *Be it further enacted*, That the line run by Daniel Curd, between the counties of Barren and Edmonson, under the act of the General Assembly, approved, 20th December, 1825, shall be, and is hereby declared to be the true boundary line of the county of Edmonson.

CAAP. CCCCXCII.

AN ACT to improve the navigation of the Big South Fork of Cumberland river, and for other purposes.

Approved, January 14, 1831.

10,000 acres SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Register of the

land office be, and he is hereby authorized and required to issue land warrants, in the name of the county court of Wayne, without fee therefor, for ten thousand acres of land, to be appropriated within the county of Wayne.

1831.

of land appropriated to the county of Wayne.

Sec. 2. *Be it further enacted*, That the said county court of Wayne, is hereby authorized to locate, survey, patent and sell, five thousand acres of the vacant land within the county aforesaid, and apply the proceeds or money arising from the sales thereof, to improving so much of the Big South fork of Cumberland river, as lies between Huling's coal bank, and the mouth thereof; and the Register of the land office is required to issue patents therefor, upon the return of the plats and certificates of survey or surveys, immediately, without fee.

To be located and sold by the county court, and the proceeds of 5000 acres applied to improve the navigation of the Cumberland river.

Sec. 3. *Be it further enacted*, That it shall be lawful for the county court of Wayne, to appoint an agent to superintend the clearing out of said river, and make any sale or transfer of said land, or to make any assignment on said land warrants, and receive the proceeds of said lands, and apply it to the improvement of the navigation of said water course; who shall enter into bond, with good and approved security, for the faithful performance of his duty.

County court may appoint an agent to carry this act into effect.

Sec. 4. *Be it further enacted*, That the said county court of Wayne, is hereby authorized to locate, survey, patent and sell, five thousand acres of the vacant lands, within the bounds aforesaid, and apply the proceeds or money arising from the sales thereof, to improving the principal road or roads within said county; and the Register of the land office is required to issue patents therefor, without fee.

Proceeds of 5000 acres to be used in repairing the roads.

Sec. 5. *Be it further enacted*, That it shall be lawful for the county court of Wayne, to appoint an agent to superintend the location of said land, and to make any transfer or assignment appertaining thereto, or make any transfer or assignment on said land warrants, and receive the proceeds of said sales, and apply it to the improvement of said roads, as the court may from time to time direct; who shall enter into bond, with good security, for the faithful performance of his duty.

Agent may be appointed to superintend the location and sale of the lands, &c.

1831.

CHAP. CCCCXIII.

AN ACT to amend the law of Descents, and for the distribution of Intestate's estates.

Approved, January 15, 1831.

An advancement made by an intestate, in his lifetime, to his children, to be considered as an advancement out of his whole estate.

Children so advanced not to inherit, &c.

Mode of distribution of estates, when such advancements have been made.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That in the distribution of the estate of any person hereafter dying intestate, among his or her children, any advancement made by such intestate in his lifetime, to any of his or her children, whether such advancement be in real or personal estate, or slaves, shall to the value thereof, at the time of the advancement, be taken and considered as so much advanced to such child or children, out of the whole estate of such intestate; and such child or children so advanced, shall not inherit any portion of the remaining estate of his or her ancestor, until the other children are made equal in their portion of such estate, to such as have been advanced.

Sec. 2. *Be it further enacted*, That when any such advancement, as is provided for, in the first section of this act, shall have been made in slaves, and there shall not be as many slaves left, as to make all the distributees of the intestate equal, then such distributees shall be made equal, out of the personality, if there be as much as will make them equal, and if there be not as much as will make them equal, after expenses of administration, and the debts of the intestate are paid, then the distributees, shall be made as nearly equal out of the personal estate as may be, and the deficit, if any, shall be made up out of the real estate; and when the advancement shall have been made in personal estate, the distributees shall, in like manner, be made equal out of the personal estate, if that is sufficient, and if not, then out of the slaves, if any, and if there be none, or not as many, as will make all the distributees equal, then they shall be made as nearly equal as may be, and the deficit, if any, shall be made up out of the real estate; and where an advancement shall have been made in real estate, the whole of the heirs shall be made equal, first out of the land if sufficient, and if not, then out of the slaves if sufficient, if not, then out of the personal estate.

CHAP. CCCCXCIV.

1831.

AN ACT to establish an Election Precinct in Livingston County, and for other purposes.

Approved, January 15, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an additional election precinct be, and the same is hereby established in the county of Livingston, as follows, viz: Beginning on the Ohio river, at the mouth of Buck creek; thence to John Jameson's; thence to Jeremiah Skelton's; thence to James Barnes' on Bayou creek; thence down said creek to its mouth; thence up the Ohio to the beginning. And it shall be the duty of the county court of Livingston county, to appoint judges and a clerk, to attend the elections in said precinct, which shall be held at the house of John Berry, at the ferry; and the sheriff of said county, by himself or deputy, shall attend at all elections which shall be held at said Berry's. *Provided*, That nothing herein contained, shall prevent the citizens in said precinct from voting at the court house; and the polls of said precinct shall be compared at the same time and place, that the votes of the other precincts are to be compared.

An election precinct established in Livingston county, and boundary thereof.

Judges and clerk to be appointed therein.

Sec. 2. That an additional precinct be, and the same is hereby established in the county of Fleming, which is bounded as follows, viz: Beginning on the county line, east from the head of Fleming creek; thence down the same, to the mouth of Logan's branch; thence up Logan's branch, to the road from Flemingsburgh to Stone lick, and with the same to the Mason and Fleming county line; thence with the same to the beginning. That the elections in said precinct shall be held at the house of Doctor John Clark, in Mount Carmel. And the county court of Fleming county, and sheriff, shall perform the same duties which are required of the county courts and sheriff of Livingston, and under the same rules and regulations. *Provided, however*, That nothing in this section shall prevent any of the citizens residing within the bounds of said precinct, from voting at the court house, should they choose so to do.

Additional precinct established in Fleming.

Bounds thereof.

Judges and clerks to be appointed to conduct the elections.

Sec. 3. *Be it further enacted*, That there shall be allowed an additional election precinct to the county of Calloway, to be holden at the house of William Millikin.

Additional election precinct in Calloway county

1831.

Trustees of
Lebanon may
designate the
place of
voting.
Proviso.

Sec. 4. *Be it further enacted*, That it shall be lawful for the trustees of the town of Lebanon, in Washington county, to select any place in the bounds of the said town, to take the votes in all elections to be made by the qualified voters of that precinct. *Provided*, That said place of voting shall be selected at least two weeks before any such election shall take place.

CHAP. CCCCXCV.

AN ACT for the benefit of M'Ilvain and Smith.

Approved, January 15, 1831.

Recital.

WHEREAS, it is represented to this General Assembly, that M'Ilvain and Smith, of the town of Carlisle, have expended much money and labour, in the erection of a Bagging Factory in said town, and that the same is so situated, as to destroy much of its usefulness and profits, unless it is extended a small distance into one of the unfrequented and unimproved streets of said town: And, *whereas*, the existence and success of said factory, would contribute more to the prosperity of said town, than the use of the ground as aforesaid, as a street, and the citizens thereof having prayed the same: Therefore,

Trustees of
Carlisle au-
thorized to
lease out a
street in said
town, to
Smith and
M'Ilvaine.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of Carlisle, may, at their discretion, lease to said M'Ilvaine and Smith, for a term of years, or for as long a time as the said bagging factory shall stand, so much of south street in said town, as lies in the following boundary: Beginning at the north west corner of said factory; thence northwardly, with second street, fifteen feet, to a stake in south street; thence with the last mentioned street, eastwardly, twenty five feet, to a stake in said street; thence southwardly, fifteen feet, to a stake, in the line of M'Ilvain and Smith's lot; thence westwardly, with their line to the beginning.

CHAP. CCCCXCVI.

1831.

AN ACT for the benefit of William Crook.

Approved, January 15, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sum of thirteen dollars twelve and a half cents, be appropriated for the benefit of William Crook, to be paid out of any money in the treasury, not otherwise appropriated.

CHAP. CCCCXCVII.

AN ACT for the benefit of the heirs of James M'Collom, deceased, and others.

Approved, January 15, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Register of the land office be, and he is hereby authorized to permit James M'Collom, Jonathan M'Collom, Thomas M'Collom, Catharine Davis, wife of William Davis, Patsy Davis and Elizabeth Roberts, wife of John Roberts, heirs and legal representatives of James M'Collom, deceased, to return to the Register's office, a true plat and certificate, of a survey of three hundred acres of land, made on the 13th of February, 1804, by virtue of an entry made on a duplicate certificate, No. 314, bearing date January court, 1802; lying and being on the head waters of Hancock fork of Otter creek. The one heretofore returned by the said M'Collom, and on which the patent issued, by mistake, not including a part of the land, actually included in the entry and survey, as made and recorded in the surveyor's office; and the Register is required to register such plat and certificate, and issue a patent thereon, to the heirs of said James M'Collom, they paying the usual fees. *Provided,* That such patent shall not, in any way, affect any existing adverse right or claim to said land: And, *provided, however,* that it shall be the duty of the Register of the land office, to carefully compare the copy of the survey with the patent issued, and on making out the grant, not include in both patents, more than the quantity of three hundred acres.

Register authorized to issue to M'Collom's heirs a patent for a tract of land.

Proviso.

Proviso.

1831.

Recital.

Warner's
heirs.

And, *whereas*, the executors of Elijah Warner, deceased, as such, and as the testamentary guardians of William Warner and Elmira Warner, his infant children, have represented to the General Assembly of the state of Kentucky, that the said Elijah Warner, after the date of his will, purchased a tract of land, situate and lying near the town of Lexington, containing one hundred acres, at the price of seven thousand five hundred dollars; but, that after the taxes and necessary repairs are deducted, the annual product of said land is but inconsiderable, and that an opportunity now exists to sell the said land, for the price given, and also for the additional sum that has been expended in the repairs of the property; and that to make the sale upon such terms, will greatly benefit the infant heirs of said Warner: Therefore,

Circuit court
may, on a
proper case
made out,
decree a sale
of some real
estate belong-
ing to War-
ner's heirs.

Sec. 2. *Be it further enacted*, That it shall and may be lawful, for the said executors and testamentary guardians, to file their petition in the Fayette circuit court, praying that a sale of the lands may be made on the terms set forth in the petition, before recited. And on a petition being filed, it shall be the duty of the court, to cause the infants to be summoned into court, and to appoint some meet person to answer and defend for the infants; and if the sale shall appear necessary, and for the benefit of the heirs, upon a hearing of the case, to decree that the executors and testamentary guardians to the infants, make sale of the lands, and that they, together with the infants, make a conveyance of the lands to the purchaser or purchasers. It shall also be lawful for said court to make such other order or decree, as may be necessary in the case.

Dallam's
case.

And *whereas*, it is represented by the petition of William S. Dallam, that Samuel Meredith, deceased, by his last will, had devised to three infant daughters of the said William S. Dallam, Frances Paca Dallam, Letitia Preston Dallam and Elizabeth Meredith Dallam, a tract of four hundred acres of land, more or less, in Fayette county; also, a small tract of about eighty acres, near the town of Lexington, in said county. That said tracts are not so situated as to admit of convenient division between the said minors; but two hundred acres of land adjoining the larger tract, can now be bought, which will make, with the

four hundred acres, a tract of convenient size and shape for division between them; that to effect the purchase, a sale of the eighty acres, and a portion of the slaves also devised to the minors, by said Meredith, will be necessary: Therefore, 1831.

Sec. 3. *Be it further enacted*, That it shall and may be lawful for the said William S. Dallam, to prefer his petition to the circuit court of Fayette county, praying a sale to effect the above object, on which the court shall award process, to summon the infants to appear and answer the bill or petition; and shall, moreover, appoint them a guardian *ad litem*, to assist them in their reply or answer; and on consideration of the case, if the court shall be of opinion, that the sales and purchase aforesaid, will be for the advantage or benefit of the devisees, he shall appoint a commissioner to make the sales and the purchase; and on a report that they have been effected, to decree and order the said infants, by their guardian, to execute bills of sale for the slaves, and a deed or deeds for the eighty acres of land, and to make all such other and further orders, as the case may require.

Also, some estate belonging to the children of Wm. S. Dallam.

CHAP. CCCCXCVIII.

AN ACT to authorize the Justices of Hancock County, to increase the County levy.

Approved, January 15, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the county court of Hancock county, at their November term next, to levy any sum not exceeding two dollars, on each tithable, which may be necessary to pay the contracts of the county.

CHAP. CCCCXCIX.

AN ACT to authorize the sale of an Alley, in the town of Mountsterling.

Approved, January 15, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall, and may be

1831.

lawful, for the trustees of the town of Mountsterling, in Montgomery county, to sell and convey an alley in said town, lying between the lots, number forty-nine and fifty; which sale and conveyance when made, shall vest in the purchaser or purchasers, all the right, title and interest of the said trustees and this Commonwealth, in and to the ground, hereby authorized to be sold and conveyed; and the proceeds of said sale, shall be received by said trustees, for the use and benefit of said town.

Sec. 2. *Be it further enacted*, That if it may hereafter be necessary, for the interest and convenience of said town, to open said alley, the said trustees or their successors, are hereby authorized to have the same opened as it now is, by paying back to the purchaser or purchasers, or those to whom they may sell or convey, the sum or sums without interest, for which the said alley, may have been sold, according to the provisions of the first section of this act; and the said purchaser or purchasers, are required to convey back to the said trustees, the alley hereby authorized to be conveyed; which condition, shall be contained in the deed of conveyance.

CHAP. D.

AN ACT making an appropriation to aid in the repair of the Sandy Road, and to authorize a Turnpike gate thereon.

Approved, January 15, 1831.

Commissioners appointed to discharge certain duties

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John M. Rice, of the county of Bath; Henry Powers, of the county of Fleming; and Gabriel Scott, of the county of Greenup; (any two of whom, or their successors, shall have the power of performing the requisitions of this act,) shall be appointed commissioners, each of whom, shall, before he enters on the discharge of the duties required by this act, in the county court of the county, in which he resides, enter into bond, payable to the Commonwealth of Kentucky, in the penalty of two thousand dollars, conditioned for the faithful performance of all the duties required by this act, of him, with good and sufficient security, to be approved by said court.

To give bond and security.

Sec. 2. *Be it further enacted*, That it shall be the duty of said commissioners, to open a subscription for the contribution of money or labour, to be expended in the repair and improvement of said road; that it shall be their duty, in the reception of subscriptions for work, to estimate the same at fifty cents per day; and before they proceed to the duties herein after prescribed, they shall proceed to collect such sums of money, as may be subscribed, and to take from such persons as subscribe work, bonds with good security, for the faithful and punctual performance of the same, at such time and on such part of said road, as the said commissioners may require.

1831.

To open subscriptions for money or labor to be laid out in the repair of the road, and their duties in relation thereto.

Sec. 3. *Be it further enacted*, That so soon as the sums of money, so actually paid into the hands of the commissioners aforesaid, or their successors, and the sums, secured as above, to be discharged in labour, at the rate aforesaid, shall amount in the whole, to the sum of one thousand dollars, that they shall certify that fact, to his excellency the Governor, who shall thereupon direct the Auditor to issue his warrant on the Treasury, in favor of said commissioners, for the sum of one thousand dollars; to be expended in connection with the foregoing sum raised by subscription as aforesaid, in the repair of said road, from the mouth of Big Sandy, in Greenup county, to John M. Rice's, in Bath county, under such regulations and in such proportions, as may best promote the public interest.

\$1,000 appropriated out of the treasury.

Sec. 4. *Be it further enacted*, That so soon, as said repairs, as provided for in the previous section, shall be made, the said commissioners, shall proceed to settle upon, or select the most eligible point on said road, between John M. Rice's and the Little Sandy Saline, erect a turnpike gate, and appoint a gate keeper, who shall receive the following rates of toll, for passing the same. For each person, (except post-riders, expresses, women and children under ten years of age) six and a fourth cents. For every horse, mare or mule, six and a fourth cents; for every two wheeled carriage, twenty five cents; for every four wheeled carriage, fifty cents; for every head of neat cattle going to the eastward, three cents each; and if any person shall forcibly pass, or attempt to pass the said gate, without paying the tolls aforesaid, or directly or indi-

Commissioners may erect a toll gate on the road, and appoint gate keepers.

Rates of toll.

Penalty for passing said gates without paying toll.

1831.

rectly avoid, or attempt to avoid it, he or they shall forfeit and pay ten dollars, for every such offence, recoverable before any justice of the peace, by warrant in the name of the commissioners.

Keeper to
give bond and
security.

Sec. 5. *Be it further enacted*, That before the said keeper, enters on the discharge of his duties, said commissioners shall cause him to execute a bond to them and their successors in office, in the penalty of two thousand dollars, with good and sufficient security conditioned for the faithful performance of his duty, the collection of tolls herein imposed, and the payment of the proceeds thereof to said commissioners, on request. And the said bond when taken, shall by the said commissioners, be deposited by one of them, in the clerk's office of the Bath county court, and for any breach of the conditions thereof, suit may be instituted by the said commissioners and their successors, in the circuit court of any county, in which any of said obligors may be found.

Condition
thereof.

Tolls received to be laid out in repairing the road.

Sec. 6. *Be it further enacted*, That it shall be the duty of the said commissioners, as fast as the tolls aforesaid may be received, to cause the same to be laid out in the continued repair and improvement of said road, excepting the sum to be employed in procuring a gate keeper, which shall not exceed one hundred dollars per annum.

Keeper's salary.

Mode of filling vacancies in board of commissioners.

Sec. 7. *Be it further enacted*, That whenever, and as often, as the office of either of the above named commissioners shall become vacant, by resignation, death, removal out of his respective county, or a refusal to act, the county court of the county, in which said vacancy shall occur, shall appoint a successor and take bond as above directed, so that there shall always be one commissioner in each county through which the road passes, to-wit: Bath, Fleming, and Greenup.

Road to be laid off into precincts, & overseers to be appointed to work thereon.

Sec. 8. *Be it further enacted*, That so soon as may be, after the passage of this act, the county courts of the several counties, through which the said road runs, shall proceed, and is hereby required, to lay off the said road, into road precincts and appoint surveyors in each, agreeably to the general laws now in force, in relation to roads.

Duty of overseers & hands.

Sec. 9. *Be it further enacted*, That it shall be the duty of the several surveyors of roads, whose precincts may embrace any portion of said road, to call out the

persons in their several precincts liable to work on roads, and cause them to labour on said road, at least six days in each year, and oftener if necessary; and for a failure to do so, shall be liable to presentment and fine, as they are now liable for failing to keep their respective roads in good repair. 1831.

Sec. 10. *Be it further enacted*, That an act, entitled "an act, for surveying and improving the state road, from the mouth of Big Sandy to Lexington, approved, January 29, 1830, be, and the same is hereby repealed. Act of 1830 repealed.

Sec. 11. *Be it further enacted*, That the said commissioners and gate keeper, shall, before they enter on the duties of their office, make oath before the county court, in which they may execute bond, as required by this act, that they will well, truly and faithfully perform all the duties required by this act. *Provided*, That every person who labors on said road, shall not be subject to the payment of toll in the passing of said turnpike gate. And it shall be the duty of the several surveyors on said turnpike road, so soon as said turnpike gate shall be erected, to transmit to the keeper of said gate, a list of the names of the hands that shall be assigned by the several county courts, to work under them; and upon failing so to do, shall be subject to a penalty of ten dollars, which sum may be recovered in the name, and on behalf of the gate keeper, for the time being, before any justice of the peace, having cognizance thereof; one half of which recovery, shall be for his own use, and the other half for the use of the said road, to be paid over by said keeper, to the aforesaid commissioners. Commissioners and gate keepers to take an oath of office. Exemptions from payment of tolls. Surveyors of the road to furnish the gate keeper with a list of hands.

Sec. 12. *Be it further enacted*, That said commissioners shall have the power of making any alteration in the location of said road, where such alteration will, in their opinion, be calculated to better the location and shorten the distance of it, upon condition that they shall first obtain permission from the owner or owners of the land, or his, her or their agent. Commissioners may change the location of road.

Sec. 13. *Be it further enacted*, That the said commissioners are hereby directed to have said road in good repair for horses, wagons and carriages, by the erection of bridges and causeways, and digging down the hill sides, where said road goes on sideling ground, so as the water shall run on the upper side, and that it shall be opened at least forty feet wide. To have the road in good repair.

1831.

Commission-
ers and gate
keepers may
be removed
from office.

Proviso.

Sec. 14. *Be it further enacted*, That the gate keeper shall be subject to removal, at the pleasure of the commissioners, and that the commissioners shall be subject to removal by the county court of the county in which they shall live. *Provided, however*, That they shall have at least ten days notice of any application for their removal: And, *provided further*, that there shall be a majority of the justices of the peace upon the bench, when said trial shall be had, a majority of whom shall concur in the removal.

CHAP. DI.

AN ACT to regulate the criminal terms of the Jefferson Circuit Court.

Approved, January 15, 1831.

Six terms to
be held in
Jefferson, for
the trial of
pleas of the
common-
wealth.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the judge of the Jefferson circuit court, shall hold six regular terms of said court, for the trial of pleas of the commonwealth, only of twelve juridical days each, on the second Mondays in February, April, June, August, September and December, in each and every year. That said court shall sit twelve juridical days at each of the said terms, if the business shall require it. And the sheriff of the county of Jefferson, and a competent number of his deputies, shall attend said criminal terms of said court; and the sheriff and his deputies shall summon a grand jury to attend, and the grand jurors so summoned, shall attend each of said terms, until discharged by the court.

Court may fix
a day for tri-
al, in the suc-
ceeding term,
of persons in-
dicted at a
preceding
term, &c.

Sec. 2. *Be it further enacted*, That if any person or persons, shall be indicted and not tried at either of the terms aforesaid, the said court shall have power, and it shall be lawful to appoint a day to try said case, in the next succeeding term, and order a *venire facias* to issue, returnable on that day; and that subpoenas for witnesses, and all other process in said case, shall issue and be made returnable on the same day.

Court may
appoint spe-
cial terms for
criminal trials

Sec. 3. *Be it further enacted*, That when any person or persons, shall be indicted and not tried at either of the said regular criminal terms, the said court shall have power to appoint a special term of said criminal

court, for the trial of any or of all such cases, on the second Monday in any month, in which a common law or chancery term of said circuit court shall not be held, which special term shall not be held longer than twelve juridical days; and when a special term shall be so appointed, the court shall fix the days of trial, and process shall be issued and made returnable, as is directed in the second section of this act.

1831.

Sec. 4. *Be it further enacted*, That the Jefferson circuit court, at any of the terms of said court, for the trial of civil actions, may take all necessary steps, and make all necessary orders, to prepare chancery causes for trial; and at the terms of said court, for the trial of chancery causes, may take all necessary steps, and make all necessary orders to prepare common law causes for trial.

Jefferson circuit court may, at its common law terms, make orders to prepare chancery suits for trial and vice versa.

CHAP. DII.

AN ACT to authorize Thomas Taylor, jr. and the heirs of George Shrader, dec'd. to build a Mill Dam across Rough creek, in Ohio County.

Approved, January 15, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Thomas Taylor, jr. and the heirs of George Shrader, dec'd. be, and they are hereby authorized, to build a Mill Dam, and the same to keep in repair, six feet high, across Rough creek, at their mill seat, lately purchased by Alexander Burnett, in Ohio county; and they are hereby authorized to erect such other works, on said stream, as may be necessary, to carry into effect, a water, grist and saw mill; but if it should appear hereafter, that said dam obstructs the navigation of said stream, the county court of Ohio county, shall have power to require the owner or owners of said mills, to put a lock or slope in said dam, or take such other measures as will remove the obstruction; and on failure of the owner or owners of said mills, to comply with the order of said court, when made as aforesaid, the said court shall have power to order the sheriff of said county, to demolish said dam.

1831.

CHAP. DIII.

AN ACT to legalize the proceedings of the Whitley and Laurel County Courts.

Approved, January 15, 1831.

Proceedings
of Whitley
county court
legalized.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the proceedings of the county court of Whitley county, held in March last, be, and the same is hereby declared as valid, as if the same had been held on the day prescribed by law, and the proceedings are hereby declared legal and binding.

And of Lau-
rel county
court legal-
ized.

Sec. 2. *Be it further enacted*, That the proceedings of the county court of Laurel, held in April last, be, and the same is hereby declared as legal and binding, as if the same had been held on the day prescribed by law.

CHAP. DIV.

AN ACT authorizing the sale of the Baptist Meeting House and lot, in Mountsterling.

Approved, January 15, 1831.

WHEREAS, it is represented to the present General Assembly, that the Baptist meeting house, in Mountsterling, is too small, and situated in an inconvenient part of said town; the members of which, are very anxious to dispose of the same, with a view of erecting another in a more convenient and eligible part of said town: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Enoch Smith, Harvey Wilson, Kenaz Farrow, Buckner H. Payne and George S. Hampton, (or any three of them,) are hereby authorized to sell and convey the house and lot, called and known by the name of the Baptist meeting house, in Mountsterling; and the proceeds of said sale, shall be received and appropriated towards the erection of another meeting house, in said town, according to the preamble of this act.

CHAP. DV.

1831.

AN ACT to change the venue, in the cases of James M'Kinney and William Palmore.

Approved, January 15, 1831.

WHEREAS, it is represented to the present General Assembly of Kentucky, that James M'Kinney, junior, stands indicted in the Meade circuit court for felony: And, *whereas*, it appears that all, or nearly all of the witnesses, both for and against the prosecution, reside in the counties of Muhlenburg and Christian, and owing to the great distance they cannot be got to attend on the part of the Commonwealth: And, *whereas*, said M'Kinney, has attended several times, and entered his appearance in the court aforesaid, and demanded a trial, yet, on the account of the absence of the witnesses aforesaid, the cause has been continued by the Commonwealth's prosecutor, at the great expense and disappointment of the defendant: And, *whereas*, said M'Kinney is anxious that he may have a speedy and fair trial: Wherefore,

Recital.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a change of venue be granted and allowed to said M'Kinney, to the county of Muhlenburg; and it shall, and may be lawful, for said M'Kinney, to appear at the court house in said county of Muhlenburg, on the first day of the next term of the circuit court, to be holden in, and for said county, and deliver himself up to the sheriff thereof, to answer to the said indictment; and it shall be the duty of the said sheriff, to present the said M'Kinney, to the said circuit court; and upon the said M'Kinney entering of record his willingness to be tried in said court, it shall be the duty of the court to take cognizance of the said indictment in the same manner and under the same rules and regulations of law, as though the offence with which the said M'Kinney is charged, had originated in the said county of Muhlenburg; and in all respects, the said court shall have, and possess the same power and jurisdiction to try the said M'Kinney, on said indictment, pronounce judgment, and cause the same to be executed, as they would have had and possessed, if said offence had been committed in said county of Muhlenburg; and the prosecution shall proceed in the same manner, and the

A change of venue granted M'Kinney, to Muhlenburg county if he shall so elect.

Court of Muhlenburg invested with jurisdiction to try the case, &c.

1831. same challenge be had, as could have been had in the county of Meade.

Duty of the clerk and sheriff of Meade.

Sec. 2. *Be it further enacted*, That it shall be the duty of the clerk of the circuit court of the county of Meade, to make out full and complete copies of all the orders made in his court, in said prosecution; and shall forward them, together with all writs, bonds, recognizances, indictment or other papers therein, by the sheriff of his county, to the clerk of the Muhlenburg circuit court, taking his receipt for the same; which duty, shall be performed by the said sheriff, with all possible despatch; and he shall be allowed six cents per mile, for going to, and returning from Muhlenburg county, to be paid out of the public Treasury.

Compensation to the sheriff.

Penalty on said clerk and sheriff, for a failure to do their duty.

Sec. 3. *Be it further enacted*, That if the clerk or sheriff of the said county of Meade, shall fail to comply with all, or any part of the duties enjoined on them, by this act, each, or either of them so failing, shall be liable to a fine of one hundred dollars, recoverable by reasonable notice and rule of the court to that effect; which fine or fines, shall be applied as other fines of the like nature, are now applied by law.

Clerk of Muhlenburg to issue all necessary process.

Sec. 4. *Be it further enacted*, That the clerk of the Muhlenburgh circuit court, shall be, and he is hereby authorized to issue a *venire facias*, *subphnas*, and all other necessary process, as though the said prosecution had commenced in his own court.

Further recital.

And, *whereas*, William Palmore, stands indicted in the Warren circuit court, for perjury, and owing to the prejudices existing against him, and the influence of the prosecutor against him, in said county, he is apprehensive that he cannot have a fair and impartial trial: Therefore,

A change of venue allowed Palmore to Butler county

Sec. 5. *Be it further enacted*, That a change of venue be granted, and allowed to the said Palmore, to the county of Butler; and all the provisions of the foregoing sections, relating to the case of the said M^r Kinney, shall apply to the case of the said Palmore; and the clerks and sheriffs of Warren and Butler counties, shall perform the same duties, as those of Meade and Muhlenburgh; and the circuit courts of Warren and Butler, shall make the same orders, and have the same jurisdiction in the case of said Palmore, as the circuit courts of Meade, and Muhlenburg shall make, and have, in the case of the said M^r Kinney.

Provisions of the preceding sections, to govern the proceedings in his case, as far as applicable.

CHAP. DVI.

1831.

AN ACT to regulate the Constable Districts, in the County of Henry; and to reduce the number to eight.

Approved, January 15, 1831.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county of Henry, shall be, and the same is hereby laid off into four constable districts; to be bounded by the boundary line of the four battalions in said county.

Four constable districts to be laid off in Henry county.

Sec. 2. *Be it further enacted,* That the county court of the county aforesaid, shall, on or before their next May term, (a majority of all the justices in commission being present, or whenever such majority shall be present,) appoint two constables, in the bounds of each battalion or constable district. *Provided, however,* That, within the bounds of the battalion, including the town of New Castle, two constables shall be appointed within the limits of said town, and no more.

County courts to appoint two constables in each.

Proviso.

Sec. 3. *Be it further enacted,* That if more than two constables now in office, are resident in any one of the aforesaid districts, it shall be the duty of the county court aforesaid, to determine by vote which two of the constables now in office, shall hold the office in the district, where such excess shall appear; and if it should appear, that no constable, now in office, shall be included within any of the aforesaid districts, the county court aforesaid, shall appoint two constables therein; and if only one constable now in office, should be included within any of the aforesaid districts, the county court aforesaid, shall appoint one additional constable in each district, and shall take bond and security of such constable or constables, so appointed, and administer to them the oaths, according to the laws now in force concerning constables.

County court shall be governed in making the appointment.

Sec. 4. *Be it further enacted,* That if the office of any constable, should become vacant by virtue of the provisions of this act, such constable or constables, shall have twelve months, to finish all unfinished business in their hands, at the time their respective offices become vacant by the provisions of this act.

Constables superseded by this act, to have twelve months to settle their business.

All acts, and parts of acts, coming within the purview of this act, are hereby repealed.

Repealing clause.

1831.

CHAP. DVII.

AN ACT for the benefit of the committee and family of John Atcheson, and for the benefit of John Lear's heirs.

Approved, January 15, 1831.

Recital of
Atchison's
case.

WHEREAS, it appears to the present General Assembly, that John Atcheson, of Fayette county, has become a lunatic, and that the circuit court of Fayette county, has appointed Henry C. Payne and Richard C. Curd, Esq's. his committee: And, *whereas*, it further appears from the petition of said committee and Sarah Atcheson, wife of said John Atcheson, that said John Atcheson has contracted with a certain Richard Downing, for a tract of about three hundred and eighty acres of land, lying in Fayette county, about two and a half miles from Lexington, and sundry other articles of property, at the price of eighteen thousand dollars, or about that amount; and it further appears to the Legislature, that said Downing is willing to rescind said contract on equitable terms, provided power is given to the trustees, to cancel the contract; and it being further manifested to the Legislature, that the said lunatic is otherwise indebted, and that the payment of the debts will be difficult, if not ruinous to the family of said lunatic: And, *whereas*, for the payment of the other debts, as well as for the support of the said lunatic, it will be indispensable, that sales of other real and personal estate of said lunatic, shall be affected. For remedy whereof,

Circuit court
of Fayette
authorized to
rescind a con-
tract between
him and
Downing.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the committee aforesaid, to file their bill or petition, setting forth the condition of the estate of said lunatic, and to make said Downing a party; and if it appear to the court, that it will be for the interest of the said lunatic and his family, that said contract shall be rescinded, and that said Downing is willing to do so, to receive the same, to be rescinded, when the terms and agreements made and concluded, between the said Downing and the committee: And, *whereas*, doubts exist as to the right of said committee, to make sale of the personal and real estate of said lunatic, for the payment of his debts, and his own and family's support. For remedy whereof,

Sec. 2. *Be it further enacted*, That if it shall become necessary, for any of the above objects, to sell any or all of said Atcheson's slaves and personal estate, it shall and may be lawful for the court of chancery, to decree a sale of any of his real estate, taking from the committee or others, making such sales, bond and security for the faithful and proper application of the price of the property so sold.

1831.

Also to authorize a sale of his estate for payment of his debts, &c.

And, *whereas*, it is represented to this General Assembly, that since the death of John Lear, a small tract of land, containing between two and three acres, lying in the county of Bourbon, was conveyed to Deborah Lear, Mary Lear and Rebecca Lear, infant children of said decedent; and to Caty Lear, his widow, and to William Lear, Henry Lear, Betsy Lear and John Lear, his remaining heirs, and who are over twenty one years of age; the said decedent having had in his life time, an equitable estate in the same; that the said children and heirs of said decedent, inherited nothing from their said ancestor, but his interest in the said small piece of land, and that a sale of the same, is now necessary for their present support, it being as it is, useless and unproductive: Therefore,

Case of Lear's heirs.

Sec. 3. *Be it further enacted*, That it shall and may be lawful for the Bourbon circuit court, and it is hereby authorized, upon proper application being made by the guardian of said infants, to said court, to order and decree a sale of said tract of land, in such manner as shall, from all the circumstances of the case, be deemed proper. *Provided*, It shall appear to the satisfaction of the court, to be to the interest of said heirs, that such sale should be made.

Bourbon circuit court may decree a sale of land belonging to them.

Sec. 4. *Be it further enacted*, That it shall be the duty of said court, to protect said infants, in ordering the sale, by requiring their guardian to give bond, with good security, for the proper use and application of the money to be received by them, under the sale, according to the laws in force, for the sale of infant's real estate, or in such other manner, as to the court may seem best; and said court may decree a conveyance of said land, to be made by said infants, or by a commissioner for them, when all the purchase money shall be paid, which conveyance, when made, shall effectually vest in the purchaser, the legal title to said land.

Guardians of the infant heirs to give bond and security.

1831.

CHAP. DVIII.

AN ACT for the benefit of John H. Rudd, and others.

Approved, January 15, 1831.

Preamble.

WHEREAS, it is represented to the General Assembly, that John H. Rudd was sheriff of the county of Bracken, and collector of the revenue taxes and county levies, for the year one thousand eight hundred and twenty-three, and one thousand eight hundred and twenty-four; and that he acted as deputy sheriff, for the four following years, and that by sickness in his family, many taxes remain unpaid, and that he hath accounted for the whole amount thereof; and, by lapse of time, he hath lost the right to distraint therefor: Wherefore,

Further time given to distraint for taxes, as sheriff of Bracken.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That said John H. Rudd, shall be allowed the further time of two years to collect the same, and that he shall have the same right of distress as heretofore,

May place the taxes unpaid, in the hands of an officer for collection.

SEC. 2. *Be it further enacted,* That the said John H. Rudd, shall have full power and authority to draw off a list of the taxes remaining unpaid, and place them in the hands of the proper officer for collection, who shall have the same right of distraint as heretofore.

Further time given to the sheriff of Breckinridge to return his delinquent list.

SEC. 3. *Be it further enacted,* That the sheriff of Breckinridge county, shall have until the first of April next, to file his delinquent list, for the year 1830, with the Auditor of public accounts; and it shall be the duty of the said Auditor to settle with the said sheriff in the same manner he would have done, if the said list had been filed in due time.

Sheriff of Calloway may make out an additional list.

SEC. 4. *Be it further enacted,* That the sheriff of Calloway county, may make application to the county court of said county, at their February term, for an additional allowance of such delinquents, as such sheriff may show to be in arrear; and thereupon the said court, after being fully satisfied, has been unable to collect the revenue tax and county levy, from such delinquents, shall allow to said sheriff, a credit therefor, in the same manner as if such application had been regularly made, at the court of claims for said county; and a regular list of such delinquents may be filed with the Auditor of public accounts, at any time thereafter, in the same manner, and which shall have the same effect as in other cases.

Sec. 5. *Be it further enacted*, That the Auditor of public accounts, be, and is hereby directed to draw his warrant on the Treasury, in favor of the sheriff of Anderson county, for the amount of his delinquent list for the year 1830. 1831.
Sheriff of Anderson.

CHAP. DIX.

AN ACT for the benefit of Peleg Underwood.

Approved, January 15, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the county court of Jefferson county, a majority of all the justices being present, to hear an application of Peleg Underwood, to establish a ferry across the Ohio river, from the Kentucky shore, from a point about one half mile below Shrieve's ferry, on said Underwood's land, and if a majority of the said court, then present, upon hearing the motion and evidence offered by any person interested, for or against the establishment of the ferry, shall be of opinion, that a ferry ought to be established, they shall have power to establish the said ferry. *Provided, however*, That said Peleg Underwood shall advertise, at least one month, at the court house door, and in some newspaper in Louisville, the time that he will make the application: And, *provided, further*, that either party may have the same right to appeal, or prosecute a writ of error to the court of appeals, from the decision of said court, as in similar cases. County court of Jefferson authorized to establish a ferry.
Proviso.

CHAP. DX.

AN ACT for the benefit of Revolutionary Soldiers.

Approved, January 15, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, the several clerks in this Commonwealth, shall not be permitted to charge or receive any tax or fee, for affixing the seal of office, to any instrument of writing, whatever, which may be necessary to perfect the testimonials of Taxes and fees on county seals, not to be charged to said soldier

1831.

any revolutionary soldier, for services performed by him, during the revolutionary war; nor shall said clerks be entitled to any fee for their services, for any certificate or attestation necessary thereto; but all such services as now required by law, shall be deemed as *ex officio*, and said clerks shall perform the same as heretofore required by law.

This act shall commence and be in force, from and after the first day of April next.

CHAP. DXI.

AN ACT for the benefit of John Judd.

Approved, January 15, 1831.

Register to
receive a
copy of a sur-
vey.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Register of the land office is hereby directed, to receive and register a copy of an original survey in the name of John Judd, assignee of Isaac Butler, for two hundred acres of land, lying on the waters of Sulphur fork, of Russell's creek, in the county of Adair, on a certificate granted by the Green county court, number three hundred and twenty-two, to Isaac Butler, provided the legal fee be paid thereon.

CHAP. DXII.

AN ACT to provide for the opening of a road from Frankfort to King's Ferry, on the Ohio River, by the way of New Castle, in Henry county.

Approved, January 15, 1831.

Preamble.

WHEREAS, it appears that it would greatly conduce to the interest of the public, to cause a road to be opened from Frankfort to King's ferry, on the Ohio river, by the way of New Castle in Henry county: Therefore,

Viewers ap-
pointed.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Barnett Harrod, of the county of Franklin; George Burgen, of the county of Shelby; Joseph Brinker, of the county of Henry; Samuel Rouzee, of the county of Oldham; and Alex-

ander Given, of the county of Gallatin, be, and they are hereby appointed commissioners, whose duty it shall be, or a majority of them, to view and mark out the best and most direct, practicable way, for a road from Frankfort, Franklin county, to King's ferry in Gallatin county, on the Ohio river, by way of New Castle, in Henry county.

1831.

Sec. 2. *Be it further enacted*, That the several county courts, through which the said road shall pass, may at their next court, or as soon thereafter as convenient lay off so much of said road, as shall pass through their respective counties, in convenient precincts, and to appoint to each an overseer, and allow to each overseer, a sufficient number of hands to perform the necessary labour, within each precinct. And it shall be lawful for each of those overseers to give all persons within their respective bounds, a legal notice of the time and place of working on said road and the overseers and hands shall, in all other respects, be governed by the laws now in force, on the subject of opening roads, in this Commonwealth, and it shall be the duty of said overseers, to cause said road to be opened forty five feet wide, the stumps well cut, the banks of creeks, and other sideling places, to be well dug, and all marshy places to be well causewayed, so as to admit of a convenient passage for wagons and carriages.

County courts to cause the road to be opened.

Sec. 3. *Be it further enacted*, That each of the said commissioners so employed, shall receive for his services, one dollar and fifty cents for each day that he may be necessarily employed, in the duty prescribed by this act, which shall be paid by the respective counties, through which said road passes.

Viewers's pay.

Sec. 4. *Be it further enacted*, That it shall be the duty of the aforesaid commissioners, to make report to the several county courts, of their proceedings. Also through whose lands the said road will lead, if opened, and report in what county the said land lies; whereupon, it shall be the duty of the several county courts, to issue summons against the owner of said land, who may reside in their respective counties, returnable to the court, next succeeding the making of said report, to shew cause, if any, why the said road should not be opened, and upon the appearing of the said owners, or occupiers, and protesting against the opening of

Viewers to report to county courts

Proprietors of the land to be summoned.

1831.

Writs of *ad quod damnum* may issue.

said road, it shall be the duty of such county court, when application may be made, to award a writ of *ad quod damnum*, directed to the sheriff of the county in which such application may be made, whose duty it shall be, to summon twelve good and lawful jurors, to ascertain and assess what damage, if any, the said applicants will sustain, by reason of said road leading through their land; and the said sheriff, shall in all other respects proceed to execute said writ, in pursuance of the laws now in force, in relation to writs of *ad quod damnum*.

Upon return of said writs, the county courts, to direct the road to be opened.

Sec. 5. *Be it further enacted*, That upon the return of said writ or writs, to any of the several counties aforesaid, it shall be the duty of the said county courts, to receive the same, and if they deem it expedient, direct the opening of said road, in pursuance of the second section of this act.

Damages how paid.

Sec. 6. *Be it further enacted*, That the said county courts, where any writ or writs aforesaid, may be returned to them, awarding, or assessing, to any individual or individuals, any damages, it shall be the duty of said court, to whom such return may be made, if they deem it expedient, at their next court of claims, to cause to be entered up, an order in favour of said individual or individuals for the amount of the damages sustained by them respectively, as evidence by the verdict of the jurors, and shall lay a levy, sufficient to cover the amount of said claims; and it shall be the duty of the sheriff, to pay over to such individual or individuals, in whose favor such order may be entered up, as other claims, and on failure to do so, shall be liable to the same proceedings, as by law may now be had against sheriffs.

If the commissioners fail to act, county courts may appoint others.

Sec. 7. *Be it further enacted*, That if any of the commissioners herein named, shall fail or refuse to act, or comply with the provisions of this act, it shall be the duty of the county court of the county in which said commissioners may reside, to appoint some person as commissioner, to fill his place, who, when appointed, shall in a every respect perform the duties enjoined by this act, and receive the same compensation, and be subject to the same penalties, as the commissioners herein named, would have been subject, had he acted in pursuance thereof.

Commissioners to meet.

Sec. 8. *Be it further enacted*, That it shall be the duty of the said commissioners, on or before the first

Monday in August next, or as soon thereafter as may be convenient, to meet in the town of Frankfort, and from thence proceed to perform the duties enjoined by this act.

1831.

CHAP. DXIII.

AN ACT to authorize a subscription in the stock of the Maysville, Washington, Paris and Lexington Turnpike Road Company, and to amend the several acts incorporating said Company.

Approved, January 15, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Governor be, and he is hereby authorized to subscribe for, and on behalf of the Commonwealth, for five hundred shares, in the stock of the Maysville, Washington, Paris and Lexington Turnpike Road Company, and so much of the proceeds of the stock, owned by the state, in the bank of Kentucky, as will pay the amount of the subscription herein authorized, be, and the same is hereby set apart and appropriated for that purpose.

Governor authorized to subscribe stock.

SEC. 2. *Be it further enacted*, That, hereafter, any stockholder in said turnpike road company, being a free white man, above the age of twenty-one years, shall be eligible to the office of president, director or treasurer of said company.

Persons eligible to offices in said company.

SEC. 3. *Be it further enacted*, That the president and directors of said company, may, at any time hereafter, receive subscriptions for any part of the capital stock of said company, for which the Congress of the United States, or the Legislature of this state, shall not have authorized subscriptions, on the part of their respective governments.

President and directors may receive subscriptions for certain stock.

SEC. 4. *Be it further enacted*, That all subscriptions for stock, in said company, heretofore made by individuals, shall be held and taken to be valid and binding, both upon the said company and the persons subscribing for the same.

Subscriptions for stock, heretofore made, valid.

SEC. 5. *Be it further enacted*, That if, at any time hereafter, there shall be a failure to elect a president and directors of said company, at the time prescribed by its charter, it shall be the duty of the president, for the time being, to call a meeting of the stockholders, within sixty days after such failure, to be held at any

Upon a failure to elect officers at the time prescribed by law, there may be an election

1831. of the town's on, or at either termination of their road; at which meeting, it shall and may be lawful, for the said stockholders, to elect all officers of their said company, as they are required to elect at their annual meetings for that purpose. *Provided, however,* That no such election, at a called meeting, shall be made, until public notice of such meeting shall have been given, in one or more of the newspapers, published at Lexington, and in the newspapers published at Paris and Maysville, for at least two weeks in succession.

at a called
meeting of
the company.

CHAP. DXIV.

AN ACT to amend the law "to-establish a state road from the mouth of Salt river, to intersect the state road leading from Brandenburg to Bowlinggreen, approved, January 15, 1829."

Approved, January 15, 1831.

Preamble.

WHEREAS, an act passed January 15th, 1829, to establish a state road from the mouth of Salt river, to intersect the state road, leading from Brandenburg to Bowlinggreen; and it is represented to this General Assembly, that the county courts of Hardin, Breckinridge and Meade, have failed to lay off their respective parts of said road into precincts, and make an order for cutting out the same, although the commissioners appointed by said act, have revised and marked said road, agreeably to the provisions of the above recited act: Therefore,

Certain county courts directed to open said roads.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county courts of Hardin, Breckinridge and Meade, shall within six months after the passage of this act, lay off their respective parts of said road, into one or more convenient precincts, and make an order for cutting out the same, agreeably to the provisions of the act establishing said road.

CHAP. DXV.

AN ACT to establish John Hanna's Ware House.

Approved, January 15, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the ware house now occupied

by John Hanna, in the town of Millspoint, in Hickman county, shall be, and the same is hereby established, as a public ware house, for the inspection of tobacco, flour, pork, &c., which shall be subject to be governed by the same laws, rules and regulations, as other inspections of a similar nature, in this Commonwealth.

1831.

CHAP. DXVI.

AN ACT to establish and open a road in Barren County.

Approved, January 15, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Barren county, shall, at their next April or May term, appoint commissioners, whose duty it shall be, together with the surveyor of said county, to view and mark the way for a road, from where the Prewett's Knob road, passing William Shirly's, intersects the Lexington road in a direct course, or as near so as the ground will allow, to intersect the Louisville and Bardstown road, leading from Bell's to Louisville, at R. D. Maupin's house; and the said commissioners shall report to the next succeeding term of the county court, or as soon thereafter as they can; and said court, then shall cause said road to be opened, as marked and viewed by said commissioners, and cause the same to be kept open and in good repair.

CHAP. DXVII.

AN ACT to incorporate the Literary Institution of St. Rose, in Washington County.

Approved, January 15, 1831.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that there is a Literary Institution, called St. Rose, near Springfield, promoted and sustained by an association of gentlemen, by means of their own resources, industry and economy; and that the said institution has been open and free, for persons of every denomination:

Preamble.

1831.

And, *whereas*, it is according to the genius of this commonwealth, and the sentiments of this Legislature, to encourage all institutions for the dissemination of learning: Therefore,

Name of the
institution.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said institution shall be denominated and known by the name of the "Literary Society of St. Rose," under the superintendence of the board of trustees, designated and chosen as herein specified.

Trustees appointed and
incorporated,
and their duties.

Sec. 2. *Be it further enacted*, That the said board of trustees shall consist of six persons, besides the moderator; and the office of moderator shall be, and is hereby vested in Stephen H. Montgomery; and the following persons shall be, and are hereby constituted trustees of said institution, namely: William R. Tuite, James Polin, Thomas Martin, James Bullock, Charles P. Montgomery and Joseph Jarboe. The said moderator and trustees, and their successors, by the name of the board of trustees of the literary society of St. Rose, shall be a body politic and corporate, and have succession forever; and by that name, may sue and be sued, implead and be impleaded, before any court of record, judges or justices of the peace, or body created by law, having jurisdiction of the subject matter, about which said suit or suits may be. And the said corporate body may receive any gift, conveyance, devise or bequest of all property, real, personal or mixed, and make any contract, buy, sell and convey the same, in this, their corporate capacity, for the purpose of sustaining and carrying on said institution, and not otherwise; and the said corporate body and their successors forever, shall continue to possess the property so bought, received or otherwise acquired by the present or future trustees, in their corporate capacity, for the benefit and maintenance, and support of said institution, and not otherwise; and may have the same powers that corporate bodies created by law have, consistently with the nature, principles and rules of said institution. *Provided, however*, That the rents and proceeds acquired by this corporate body, shall, at no time, exceed the amount of ten thousand dollars annually.

proviso.

Office of moderator.

Sec. 3. *Be it further enacted*, That the office of moderator of the board of trustees, shall remain vested

in the said Stephen H. Montgomery, during his life, unless he shall sooner resign; and whenever any vacancy may thereafter happen, in the office of moderator, a majority of said trustees in meeting assembled, shall elect a person to hold said office, which shall vest and remain in such person so elected, until his death or resignation; and a majority of all the trustees therein concurring, may turn out of office the moderator, at any time they may deem it proper. Each of the said trustees herein designated, shall hold his office of trustee, for the term of his natural life, unless he shall be removed from his office as trustee, by vote of the board of trustees, lawfully assembled; and in case of vacancy in the office of trustee, by death, resignation, removal or otherwise, the said board of trustees shall be, and is hereby empowered and authorized to fill up such vacancy, by appointing a new member to act as trustee, and so perpetually to preserve the succession of said corporation.

1831.

Tenure of
office of mod-
erator and
trustees.

Sec. 4. *Be it further enacted*, That the said Stephen H. Montgomery and his successors, in the office of moderator, as aforesaid, shall be chairman of the board of trustees, and shall have in the meetings of the said board, a vote equal to one of the said trustees, and in case of his absence from said meeting, from sickness or other impediment, he shall have power, and is hereby authorized to nominate, in writing, the person who shall, in his absence, act as moderator or chairman, in such meetings; the said moderator or chairman; and the said trustees, or a majority thereof, namely, four persons including said moderator, shall be a quorum, and shall be, and are hereby authorized to pass such ordinances and by-laws, a majority of those concurring therein, as are not contrary to the constitution of the United States, that of this state, or the laws thereof, and as are consistent with the nature and rules of said institution. The said corporate body shall meet for the first time, on the first day of next April, or as soon thereafter as the said trustees shall deem proper, and at such other times as may be deemed necessary by said corporate body, for the interest and promotion of the said institution, and in case the moderator shall neglect or be unable, from any cause whatever, to attend the meetings of the said board of trustees, or shall neglect to appoint, in writing, some person to

Moderator to
be chairman
of the board,
and if absent
may appoint
a proxy.

A quorum.

Power to pass
by-laws.

1831. substitute him as moderator or chairman, the trustees present at such meeting, or a majority of them, shall be, and are hereby authorized to choose some person from their own body, who, in such meeting, may fill the place, and exercise all the powers of moderator. The said corporation may also have a seal, on which any device or inscription they shall think proper, may be impressed, and they may alter or break the said seal at pleasure.

Seal of the corporation.

Reservation.

Proviso.

Sec. 5. *Be it further enacted*, That this Legislature reserves to itself, the power, at any time, to repeal and annul, or modify the charter of incorporation, granted by this act. *Provided, however*, That if said corporation should be dissolved, from any cause whatever, all the property, both real, personal or mixed, belonging to the corporation, at the time of the dissolution, shall, of right, belong and vest in the members of the said literary institution, for their use and benefit.

CHAP. DXVIII.

AN ACT for the benefit of the Heirs of William Ricks.

Approved, January 15, 1831.

Preamble.

WHEREAS, William Ricks, departed this life on the twenty second day of June, one thousand eight hundred and twenty three, intestate, leaving a widow and six infant children; that Abner King, administered upon his estate, in the Nelson county court, in which county the said Ricks resided, at the time of his death; that in a regular course of administration, the whole of the assets, have been exhausted, and there still remains debts unpaid, to the amount of about two thousand dollars. That the said Ricks, died seized and possessed of a tract of land, in Nelson county, of about two hundred acres; that if judiciously managed, the land will pay off the debts, and still leave something for the heirs; but if the creditors sell the same by parcels, to satisfy their demands, it will not more than pay the debts, if even it will do that: For remedy whereof,

A bill may be filed in the Nelson circuit court,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That upon the heirs and administrator of William Ricks, exhibiting their bill or petition, in the Nelson circuit court, praying a sale

KENTUCKY.

C. J. Helm, 122

of said land, and if it shall appear to the court, that the facts stated in the preamble of this act, are substantially true, and furthermore, if the court shall be of opinion, that it would be to the interest of the heirs, to decree a sale of said land, to appoint a commissioner, to sell said land, subject to the dower of the widow, upon such credit as the court may deem most advantageous, directing the commissioner, to take bond and good security for the purchase money.

1831.

and a tract of land decreed to be sold,

Sec. 2. *Be it further enacted*, That when the purchase money shall become due and payable, that the court shall appoint a commissioner, giving the administrator a preference to collect the same, taking bond and security from the commissioner, to apply the money when collected, to the payment of the debts according to the laws now in force, in the course of a regular course of administration.

Purchase money, how collected and applied.

Sec. 3. *Be it further enacted*, After all the debts are paid, if there be any money left, the said commissioner, who may collect, the same, shall return the same to court; and the court is hereby directed, to have the same put out at interest, for the heirs, until they arrive at full age; and as they severally arrive at age, to direct such child's part as may arrive at full age, to be paid, to him or her.

CHAP. DXIX.

AN ACT to authorize the Stockholders of the Frankfort Bank, to elect an agent to close the concerns of said Bank, and for other purposes.

Approved, January 15, 1831.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the stockholders of the Frankfort bank, shall be authorized to meet on the first day of February next, or any time thereafter, in the town of Frankfort, that may be selected by the late President or Cashier, by giving public notice, to elect an agent, to close the business of said bank; and at said election, each stockholder shall have one vote for each share he may own in said bank.

Stockholders to elect an agent.

Sec. 2. *Be it further enacted*, That the agent thus elected, shall have full power and authority to wind

Powers and duties of an agent.

1831. up the concerns of said bank, and to that end, shall be authorized to collect all debts due the same, by the institution of suits therefor, in his own name, as agent, either at law or in equity, or may at his option, settle, adjust and compromise with the debtors of said institution, or may if he thinks proper, sell the said debts so due the institution at public auction, by giving two weeks notice thereof, in some newspaper published at Frankfort; and upon such sale, shall be authorized to transfer any judgment, note or execution to the purchaser.

Agent's pay. Sec. 3. *Be it further enacted*, That the said agent, shall be allowed such per cent. for his services, as the stockholders may agree upon, at the time of his election.

Further time to close the concerns of the bank. Sec. 4. *Be it further enacted*, That the agent so appointed, shall have the further time of two years from the passage of this act, to close the business of said bank; and that all suits now pending, and judgments and executions unsatisfied, shall stand and remain in full force, in the name of the President, Directors and Company of the Frankfort Bank, until satisfied; but the agent shall have power, as heretofore given, to sell and transfer the same.

Agent to give bond. Sec. 5. *Be it further enacted*, That the agent elected in pursuance of this act, before entering upon the discharge of the duties hereby imposed upon him, shall enter into bond with security, to be approved, by the county court of Franklin, in the penal sum of five thousand dollars, for the faithful discharge of the duties of agent, as aforesaid.

CHAP. DXX.

AN ACT repealing all laws, allowing licenses to Billiard Table keepers, and for other purposes.

Approved, January 15, 1831.

Repealing clause. SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all laws now in force, authorizing the county courts in this Commonwealth, to grant licenses to keep billiard tables, shall be, and are hereby repealed; and that hereafter, no such license shall issue to any person or persons whatever;

but nothing in this act, shall be so construed as to prevent any billiard table keeper, who has heretofore obtained a license, to set up and keep such table, from keeping the same for the term, and agreeably to such license; nor shall it in any wise be construed to impair the claim of the Commonwealth, to the tax imposed thereon.

1831.

Sec. 2. *Be it further enacted*, That it shall not be lawful for any person hereafter, to set up, or keep a billiard table within the Commonwealth, other than those already licensed, and such shall not be continued beyond the term for which the license or licenses so issued, shall authorize; and if any such table shall be set up or continued, contrary to the provisions of this act, the billiard table, together with all the furniture and instruments used for billiard playing, belonging to such table, shall be liable to seizure, and become forfeited to the Commonwealth; and when sold, the proceeds shall be applied as fines are directed to be appropriated under this act.

Billiard tables may be seized and sold.

Sec. 3. *Be it further enacted*, That if any person or persons shall erect, set up, or cause to be erected, set up or played upon, either as owner, agent, renter, tenant, or in any capacity whatever, any billiard table, every person so offending, shall forfeit and pay a fine not less than one hundred dollars, nor more than one thousand dollars for every such offence; and every time such person shall permit any such table to be played upon, shall constitute and be considered a separate offence, for which the penalties given under this act, may be recovered.

Persons to be fined who set up billiard tables.

Sec. 4. *And be it further enacted*, That on failure of the offender, to pay the fine on conviction, it shall be the duty of the court before whom the offence was tried, to commit him, her or them, to close jail, until the fine or fines, together with all costs are paid.

To be confined in jail till the fine be paid.

Sec. 5. *Be it further enacted*, That if any person shall be the owner of any such table, and shall let the same for hire, or in any other manner to another to use, that the owner and the person using the table, shall be jointly and severally, liable to all the penalties for the breaches of this act, in the using or causing the table to be used, contrary to the provisions of this act; and where there shall be several owners or persons, concerned in erecting or using any such billiard table, contrary to the provisions of this act, they shall

Persons owning or hiring table, jointly and severally liable.

1831.

A warrant may be issued to search suspected places. Penalty for resisting a search: officer to seize table and persons using the same.

be jointly and severally, liable for a breach thereof, and may be prosecuted or sued accordingly.

Sec. 6. *And be it further enacted*, That it shall and may be lawful for any judge of this Commonwealth, or any justice of the peace, where it may be suspected that any billiard table shall be erected or used, under his hand and seal, to authorize any person designated in his warrant, and all others that shall aid him, to enter the doors of any house or building, in the day or night time, to search for any such table; and upon the person so authorized presenting his warrant to any owner or occupier, of the house, or any person therein, it shall be the duty of such person, immediately to open the doors of such building, and to permit the search to be made; and if any owner or occupier of such building, or place which may be suspected by the person having the warrant, shall refuse to permit the said search, and shall resist the person so authorized in making a search, every person so offending, shall forfeit and pay any sum not less than one hundred dollars, nor more than one thousand dollars; and it shall be lawful for such person having such warrant, notwithstanding the resistance, to enter such house or suspected place, and to make search for the billiard table, and if found, to take into his custody the said billiard table and furniture, or instruments used for playing, and the owner or occupier of the house, and all others concerned in keeping the table, and to carry them to some justice of the peace, or judge of a court, to be dealt with according to the provisions of this act.

A justice of the peace to issue his warrant to arrest persons concerned in keeping billiard tables, and to recognize them to appear at the next circuit court.

Sec. 7. *Be it further enacted*, That it shall and may be lawful, for any justice of the peace or judge of a court, upon complaint made, supported by affidavit, that any person is, or persons are concerned in keeping a billiard table, for billiards to be played upon, to issue his warrant, authorizing and requiring the arrest of every person so charged, directed to any sheriff or constable of the county; and it shall be the duty of every such officer forthwith to arrest all and every person so charged, and to bring them before such justice or judge, or some other, for trial; and upon the charge being sustained, in the opinion of such judge or justice, he shall recognize the offender or offenders, in a bond of sufficient penalty, to appear at the next circuit

court of the county, to answer to the charge, and moreover, to be of good behaviour until his case shall be tried by such court; and on the accused failing to give such bond, it shall be the duty of the judge or justice, to commit the person so failing, to the jail of the county, there to remain until discharged by due course of law; and if any person so recognized, shall, after entering into bond, and before trial, use or permit any billiard table to be played on, such conduct shall be considered a breach of good behaviour, and subject the person so recognized, to the payment of the penalty of the obligation.

1831.

Sec. 8. *Be it further enacted*, That it shall be the duty of the judge or justice, to transmit the papers and proceedings upon every arrest made under this act, who shall either commit or recognize the accused, to the clerk of the circuit court, as soon as practicable, and it shall be the duty of the Commonwealth's attorney for the circuit court, to lay the charge or charges before the grand jury in a formed indictment; and if the same shall be found a true bill, such indictment shall stand with the other causes of the Commonwealth for trial; and if the offender shall be guilty, in the opinion of the jury, the jury shall say and affix the amount of the fine, agreeably to the provisions of this act, and the court give judgment therefor; and it shall be the duty of the court upon such conviction, to direct the sheriff to destroy by burning or otherwise, such billiard table, with all the apparatus for playing, and the furniture thereto belonging, except the cloth; which order shall be forthwith executed by the sheriff in some public place.

Papers to be sent to the circuit courts and commonwealth's attorneys to prosecute.

Sec. 9. *Be it further enacted*, That the keeping or letting, to be played on, any billiard table, shall be forever hereafter a high misdemeanor, and in all courts be treated as such, and the offenders, subject to like prosecutions as in cases of misdemeanor, where this act does not otherwise specially provide.

Keeping billiard tables a high misdemeanor.

Sec. 10. *Be it further enacted*, That it shall be the duty of the grand juries, to make diligent inquiry, and to make presentment of all breaches of this act; and it shall be the duty of all judges of courts, justices of the peace, and all other civil officers in this Commonwealth, in virtue of their office, to bring all offenders against this act to justice; and it shall be the duty of

Grand juries and officers to bring offenders to justice.

1831.

the presiding judges of the circuit courts, to give this act in charge to the grand juries empannelled in their counties respectively.

Altering the name of the table not to secure from punishment the violaters of this law.

Sec. 11. And, *whereas*, devices are sometimes used to evade the laws made against unlawful gaming, by the persons concerned, changing or shifting the machinery, or altering the name of the instruments designated by such laws. For remedy whereof: *Be it enacted*, That this act shall be construed to apply to any table or instrument, and to the keeping of all such tables and instruments on which the game now called billiards shall be played, or any other game in substance the same, notwithstanding the table or instrument used, may be called by any other name, and the game or games played thereon be called by another name, or so named as not to be the same now played or used on billiard tables.

Fines distributed.

Sec. 12. All fines and forfeitures provided for under this act, may be prosecuted by indictment, information, or action of debt, in the name of the Commonwealth, and all sums recovered, shall be distributed as followeth. One third to the informer or prosecutor, if there be one, and one third to the Commonwealth's attorney, prosecuting with effect, and one third to the use of the Commonwealth, to be appropriated as fines are directed by law to be appropriated, in the county where the conviction is had; and where there is no prosecutor, one third to the attorney, and two thirds to the use of the Commonwealth as aforesaid.

Justice not to be evaded for matter of form: amendment to be permitted.

Sec. 13. In prosecutions under this act, justice shall not be delayed or defeated, for any matter of form in the proceedings; but the judge or justice, shall permit all necessary and needful amendments to effect a fair and impartial trial between the accused and the Commonwealth.

CHAP. DXXI.

AN ACT to amend the laws regulating conveyances.

Approved, January 15, 1831.

Foreign deeds how authenticated.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful, for any person or persons residing out of this

state, intending to convey lands lying within this state, to acknowledge a deed for such purpose, before any judge or justice of a superior or inferior court of the county, district or place, where he or they resided; and if either of the grantors in any such deed, be a *feme covert*, it shall and may be lawful for such judge or justice, to examine said *feme* privily and apart from her husband, whether she, of her own free will, acknowledges said deed, and consents that it may be recorded; and such acknowledgement by the grantor or grantors in said deed, together with the acknowledgement and privy examination aforesaid of the *feme*, if there be a *feme*, being certified by such judge or justice, under his hand, with a certificate of the clerk of the court to which said judge or justice belongs, with the seal of his office annexed, that said judge or justice is an acting judge or justice of his court, shall be effectual to pass all the estate and dower, which said grantor or grantors had in the land conveyed.

Sec. 2. *Be it further enacted*, That all laws which require a commission to issue, to take the relinquishment of dower, or the acknowledgement of *femes* to deeds, residing in or out of this state, to convey lands in this state, shall be, and the same are hereby repealed; and that all deeds hereafter made and acknowledged, in the manner prescribed by law, without such commission, shall be as effectual, as if such commission had been issued and duly executed.

Commission to take privy examination, not required.

Sec. 3. *Be it further enacted*, That all powers of attorney, acknowledged before any judge or justice of a court, or mayor of a city, by husband and wife, residing out of this state, where the judge or justice, or mayor of a city, shall certify, that he hath taken the acknowledgement of the husband, and that he hath privily and a part from her husband examined the wife, and that she declared, on such privy examination, that she did freely and voluntarily, without the threats or coercion of her husband, acknowledge the same, and desired that her acknowledgement and privy examination, should be certified to the proper officer, to record it in this state, shall be as good and effectual, to enable the agent to convey any land or estate therein, or to relinquish the dower of the *feme*, as if the *feme* were an unmarried woman. *Provided, however*, That the power to make any such deed good and

Powers of attorney to convey land made out of the state, how to be authenticated.

To be recorded.

1831.

Certificates of
mayor, &c.

effectual, against creditors and purchasers, shall be recorded in the office of the clerk of the court of appeals, general court, or that of the county where the land lies, at or before the time required for the recording of the deed, in the proper office, that shall be executed under any such power: And, *provided, further*; that the mayor shall certify the acknowledgement, under the seal of his mayoralty; and the clerk of the court, where the judge or justice shall certify the acknowledgement, and of the court of which he shall be a judge or justice, shall also annex a certificate, that the person signing himself a judge or justice, is such, and that due faith and credit is due to his official acts, as well out, as in court.

Aldermen of
cities may
take and cer-
tify the ac-
knowledge-
ment of deeds,
&c.

Sec. 4. *Be it further enacted*, That aldermen of cities shall have the same power to take the acknowledgements of deeds, and the relinquishment of dower, of persons living out of the state, that justices of the peace have, and their acts certified under their hands, together with the certificate of the recorder, or other proper officer of the city, under the seal of his office, if he has one, and if he has none, then under his private seal, shall be as effectual as if the deed had been acknowledged before two justices of the peace, and certified by the clerk of their court.

How deeds
made out of
the U. S. are
to be authen-
ticated.

Sec. 5. *Be it further enacted*, That it shall be lawful for any person, residing in a foreign country, wishing to convey lands in this state, to acknowledge a deed before a mayor of a city, or a consul of the United States, residing in such country, or before the chief magistrate of such state or country; and any deed, duly authenticated by such officer, taking the same, in the manner he usually authenticates his official acts, shall be as effectual as if the deed had been acknowledged in the United States, and certified agreeably to the laws in force; and all such officers as shall so take the acknowledgement of the husband, shall have the like power to take the privy examination of the *feme*, and certify the same. *Provided, however*, That all such deeds shall be recorded within two years after the acknowledgement, or proof made by the number of witnesses required by law, in the proper office of this state, to be binding on creditors, or purchasers without notice.

Proviso.

Sec. 6. *Be it further enacted*, That where any deed has been, or shall be duly executed, but not proven or acknowledged, in the time prescribed by law, or where the relinquishment of dower or estate of the *feme*, has not been taken according to law, it shall be lawful for the grantor or grantors in such deed, to acknowledge the same, in the manner prescribed by law, or for the witnesses thereto, to prove such deed, and the *feme* to relinquish her dower or estate as in other cases, at any time; and such deed being recorded in the proper office, within four months from the time of such acknowledgement or proof made, shall be effectual as to the creditors and subsequent purchasers from the time of such recording; and in all cases where a deed has not been recorded, within the time prescribed by law, the grantor or grantees therein, may bring a suit in chancery, in the court having jurisdiction, making the grantor or grantors, or their heirs, parties to said suit, to cause said deed to be renewed; and said court shall have power to order such deed to be renewed, if the purchase money has been paid, and on failure of the grantors to renew the deed, in obedience to the order, a commissioner may be appointed for that purpose, and such deed being recorded in the proper office, within four months from the date, shall be effectual, as to the creditors and subsequent purchasers, from the time of recording.

1831.

Deed not recorded in the time prescribed by law, may be recorded upon proof, &c.

Sec. 7. *Be it further enacted*, That in cases provided for in this act, for taking of the acknowledgement of deeds, proof of the acknowledgement made, as is provided for by law in like cases, shall be as effectual as the acknowledgement of the party.

Proof deeds to be as good as if acknowledged by the party.

Sec. 8. *Be it further enacted*, That all powers of attorney, acknowledged or proven, in the manner provided for the acknowledgement or proof of deeds, authorizing the agent or attorney, to convey lands, or transact other business in this state, shall be as effectual, as if such power had been acknowledged in open court, as provided for by the laws now in force, in this Commonwealth.

Powers of attorneys proved as deeds, to be as valid as if acknowledged in open court.

Sec. 9. *Be it further enacted*, That hereafter it shall and may be lawful, for the clerk of a county court, or his sworn deputy, to take the acknowledgement of deeds by the grantors, and the relinquishment of dower or estate of the *feme covert* in any deed, at any place

County court clerks may take acknowledgements or proof deeds, &c. any

1831.

where in his
county.

within the limits of his county; and such acknowledgement and privy examination, shall be as effectual to pass the title, as if done in the clerk's office; but nothing herein shall compel the clerk of any county, or his deputy, to attend out of his office, for the purposes above mentioned.

Deed, &c.
good from the
time they are
recorded.

Sec. 10. *Be it further enacted*, That where deeds have been heretofore duly proven or acknowledged, or shall be hereafter so duly proven or acknowledged, but not lodged to be recorded in the proper office, within the time prescribed by law, such deeds may, nevertheless, be recorded in the proper office, where they have not been recorded, and from the time of recording, be as effectual to all purposes, as if recorded within the time prescribed by law; and where any such deed has been recorded, but not within the time prescribed by law, copies of the record of the deed, shall and may be used as evidence, in the same manner as if it had been recorded within proper time.

Titles may
be perfected,
where there
was no *dedimus potestatem*
issued.

Sec. 11. *Be it further enacted*, That in all cases, where a deed of conveyance has been heretofore made by a *baron* and *feme*, and the same has been duly executed, but with this defect only, that a *dedimus potestatem* did not issue in the first instance, authorizing the justices to take the privy examination of the *feme*, that the grantor or those claiming the land, under such deed, may exhibit a bill in chancery, at any time after the first day of January, one thousand eight hundred and thirty eight, in the court of the circuit, where the land may be situated; and upon full and satisfactory proof being made, that such deed has been executed by *baron* and *feme*, without fraud or guile, and that there has been seven years peaceable, continued and uninterrupted possession under such deed, since the passage of this act, and that the only defect is the want of a *dedimus potestatem*, to take the acknowledgement and make the privy examination, to decree a confirmation of such deed, and to make such other order as may be necessary to perfect the title. *Provided, however*, That so much of this act as authorizes a suit against *feme covert*s, to obtain a due execution of deeds made without a *dedimus potestatem*, or for any defect in taking the privy examination, shall not be so construed as to apply to any case where a *feme* has commenced suit

Proviso.

KENTUCKY.

to recover her estate or dower in lands, or where such suit shall be commenced within the term of seven years aforesaid, next after the passage of this act. *Provided*, That nothing in the tenth section of this act contained, shall operate against the rights of any person or persons, who shall have been seven years in peaceable and continued possession of the land, embraced in said deed or part thereof, claiming it as his or their own; but deeds in such cases, shall remain the same as if this act had not passed, and are not to be effected thereby.

1831.

Proviso.

CHAP. DXXII.

AN ACT to amend the several laws concerning the town of Lexington.

Approved, January 15, 1831.

WHEREAS, sundry citizens of the town of Lexington, have represented to the Legislature, that the laws regulating the election of trustees for said town, are defective, and need amendment, and have, by their petition, prayed that the said town, shall be laid off into wards, and that each ward, shall have a separate election for trustees or representatives in the board of trustees: Therefore,

Preamble.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said town of Lexington, shall be, and is hereby divided into five separate and distinct wards, as follows: all that part of said town, lying north west of Main Cross street, shall constitute ward number one, and be entitled to two trustees, and the election shall be held in said ward, at Wickliffe's tavern, until some other place shall be designated in said ward, by a majority of all the trustees of said town. All that part of Lexington which lies between Main Cross street and Mill street, to constitute ward number two, and to be entitled to two members, and the elections for trustees, for said ward shall be at Moore's tavern, until some other place in said ward shall be designated by a majority of all the trustees of said town. All that part of Lexington which lies between mill street and Upper street, to constitute ward number three, and be entitled to three

Lexington divided into wards.

Places of holding the elections in the wards.

1831. members, and the place of election for trustees, for said ward, to be at the court house. All that part of Lexington, which lies between Upper street, and Mulberry street, to constitute ward number four, and be entitled to two members; the elections for trustees, for said ward, to be held at the jail in said ward. All that part of Lexington south east of Mulberry street shall constitute ward number five, and be entitled to two members, the elections to be held at Postlethwait's tavern, until some other place, shall be designated in said ward, for holding elections, by a majority of all the trustees of said town.

Citizens to
elect trustees.

Sec. 2. *Be it further enacted*, That in all elections hereafter to be held, the citizens residing in each of said wards, who by the laws now in force have a right to vote for trustees in said town, shall at the elections in said town or wards, instead of voting for all the trustees of said town as they now do, vote for discreet persons, resident of the ward for which they are voted as above provided for, and who now are, or may hereafter be eligible to serve as trustees; and the trustees so elected, shall constitute the trustees of said town, and shall have the same powers and authority that the trustees of said town now have. *Provided, however*, The trustees now elected, shall continue in office until an election shall be held under this act; and the trustees or a majority of them so elected, shall take upon them their respective offices agreeably to the laws in force, relative to the said town of Lexington.

CHAP. DXXIII.

AN ACT further to regulate the towns of Springfield and New Castle.

Approved, January 15, 1831.

Preamble.

WHEREAS, the plan of the town of Springfield is larger than is necessary for the population of the town, and it is desirable to the citizens of said town, that the trustees have the power vested in them to stop some of the streets and alleys. For remedy whereof:

Springfield.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of Springfield, in the county of Washington, be, and they

are hereby authorized to discontinue, and stop up the alley which lies between the out lots known in the plan of said town, by Nos. one, two and three, and the in lots; and also, that part of Walnut street, which lies between out lots, Nos. four and five; also, the alley between the out lots, Nos. eleven and twelve, and the in lots; and that part of Doctors street, which lies between out lots, Nos. two and three. 1831.

Sec. 2. *Be it further enacted*, That it shall and may be lawful, for the trustees of the town of New Castle, in Henry county, to sell and convey the public alley, lying between the lots No. one hundred and twenty seven, and one hundred and thirty six, in said town of New Castle; which said sale and conveyance when made, shall vest in the purchaser or purchasers, all the right title and interest of said trustees, and of this Commonwealth, in and to the ground hereby authorized to be sold, and the proceeds of said sale, shall be received by said trustees to the use and benefit of said town. New Castle.

CHAP. DXXIV.

AN ACT for the benefit of the heirs of Elizabeth Jones.

Approved, January 15, 1831.

WHEREAS, it is represented to the present General Assembly of the Commonwealth of Kentucky, that Jesse Jones, sold unto Joseph Lillard, a tract of land in the county of Mercer, containing sixty eight acres, which land had descended to Elizabeth, the wife of said Jones, from her deceased sister, at the price of seven hundred and eighty-five dollars; and that said Lillard paid to said Jones, the sum of four hundred dollars, in part of said purchase money, and executed his note to said Jones, for the balance of said purchase money, payable the first of March, 1830: And, *whereas*, the said Jones and his said wife, executed a deed for said land, to the said Lillard, and the said Jones and wife, acknowledged the said deed, before two justices of the peace of Mercer county; but the relinquishment of the wife of said Jones, being defectively taken, her estate in said land, did not pass by said deed: And, *whereas*, said Elizabeth, wife of said Jones, hath departed this life, leaving infant children, to Preamble.

1831.

whom said land descends, subject to the courtesy of the husband therein: And, *whereas*, said Jones and Lillard are both desirous to execute said contract of sale.

Suit to authorize a conveyance of land.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful for the said Joseph Lillard, to exhibit his bill in the circuit court of Mercer county, setting out the circumstances of said contract, and exhibiting the evidence thereof, and making said Jones and the infant children of said Elizabeth, defendants thereto; and upon service of process, said infants shall answer said bill, the said defendants by guardian *ad litem*, and the suit progress to trial, as other cases in chancery.

Court may decree a conveyance.

Sec. 2. *Be it further enacted*, That if said circuit court of Mercer, shall be of opinion, on the trial of said cause, that it will redound to the benefit of said infants, to confirm the sale made as aforesaid, from Jones to Lillard, it shall decree that the title of said infants, in said land, be conveyed by commissioners, to said Joseph Lillard.

How the balance of the purchase money is to be applied.

Sec. 3. *Be it further enacted*, That the balance of the purchase money, due by said Lillard, shall be paid to said Jones; the said Jones shall execute bond, with good security, to be approved by said circuit court, and filed in the office of said court, conditioned, that at the death of said Jones, said securities, or the legal representatives of said Jones, shall pay the whole amount of the purchase money of said land, in equal proportions, respectively, to the children of said Elizabeth, or that said Jones shall pay the same to said children, in his lifetime; which bond to said children, shall be executed before said deed is made, under said decree.

CHAP. DXXV.

AN ACT further to regulate the public roads in Washington County.

Approved, January 15, 1831.

Preamble.

WHEREES, the citizens of Springfield, the seat of justice for Washington county, are, at dry seasons of the year, put to great difficulties, and sustain great

KENTUCKY.

1831.

inconvenience for want of water: And, *whereas*, there is a fine spring of pure and never failing water, about two miles from Springfield, down Road run, the branch on which the town is situated, called and known by the name of Wathen's spring; and it is further represented, that the owners of the land, between the spring and town, have so run their fences, as to prevent the citizens of said town, from having access to said spring. For remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the county court of Washington county, be, and the court is hereby directed to establish a public road from Springfield to said spring, going down said run, and appoint a surveyor, and allot hands to open said road, and keep the same in repair.

County court to open a road from Springfield to a spring.

Sec. 2. *Be it further enacted*, That if any person, through whose land the said contemplated road may pass, may desire the same, the court shall direct to the sheriff, the writ of *ad quod damnum*, to assess the damages said person or persons may sustain, by opening the said road, which sum or sums so assessed, shall be paid out of the county levy of Washington county.

Damages may be assessed and paid.

CHAP. DXXVI.

AN ACT to compel William Feland, late justice of the peace for Warren County, to surrender up his records and papers to Thomas S. Denton, justice of the peace in Barren County.

Approved, January 15, 1831.

WHEREAS, by an act of the Legislature of Kentucky, entitled "an act to annex part of Warren county to Barren county, approved, January 18th, 1827," William Feland was a justice of the peace, within the said boundary, taken from Warren and annexed to Barren county, commissioned as such for the county of Warren, and vacated his office by failing to remove to, and reside in the county of Warren: And, *whereas*, it is represented, that there is many judgments and executions remaining in said Feland's office, unsatisfied, and other papers appertaining to his said office, in which many citizens are interested, and

1831. which he refuses to surrender up to the magistrate appointed in said bounds, as was required by the aforesaid act: Wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Barren shall, and they are hereby required, to cause said Feland to come before them, and shew cause why he does not surrender up said records and papers to Thomas S. Denton, the justice appointed in said bounds, and order him to deliver them to said Denton; and upon the failure or refusal of said Feland, to deliver said records and papers, the said county court is hereby authorized and required, by the application of the power in them vested, to compel a surrender of said records and papers.

CHAP. DXXVII.

AN ACT for the appropriation of Money.

Approved, January 15, 1831.

Allowances
made to

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the following sums of money shall be, and the same are hereby allowed to the persons hereinafter mentioned, payable out of any money in the treasury not otherwise appropriated.

Speakers of
Sen. & H. R.

To the Speakers of the Senate and House of Representatives, four dollars per day each.

Clerks Senate
and H. R.

To the Clerks of the Senate and House of Representatives, sixty dollars per week each.

Assistant
clerks.

To the assistant Clerks of the Senate and House of Representatives, thirty dollars per week each.

Door keepers.

To the Door Keepers of the Senate and House of Representatives, twenty one dollars per week each.

Seargents at
arms.

To the Sergeant at Arms of the Senate and House of Representatives, twenty one dollars per week each.

L. Batchelor.

To Littleberry Bachellor, for furnishing water, making fires, &c. for the Senate, during the present session, six dollars per week.

H. Wingate.

To Henry Wingate, for rendering the same services to the House of Representatives during the present session, six dollars per week.

Wm. Wood.

To William Wood, for stationary furnished the Senate and House of Representatives during the present

session, three hundred and eighteen dollars and fourteen cents, as per account rendered.

1831.

To Dana and Hodges, Public Printers, the sum of sixteen hundred and ninety-three dollars forty-seven cents, in full for their services as Public Printers, up to the tenth day of January, 1831.

Dana and Hodges.

To Jacob H. Holeman, the sum of twelve hundred dollars in advance for his services as Public Printer for the ensuing year, 1831.

J. H. Holeman.

To Wm. Wood and A. C. Keenon, for binding two thousand copies of the acts of the present General Assembly, three hundred dollars each; also, sixty-two dollars and fifty cents each, for binding two hundred and fifty copies of the Journals of the present session; one half of which sum shall be paid in advance, and the balance upon their producing to the Auditor, the Secretary's certificate of the delivery in his office, of the number of copies, hereby authorized to be bound. *Provided*, That, if the full number of copies allowed, to be bound as aforesaid, shall not be furnished the Secretary, a deduction at the rate of thirty-three and one third cents for each copy of the acts, and fifty cents for each copy of the Journals so wanting, shall be made.

Wood and Keenon.

To the Clerk's of the Senate and House of Representatives, forty dollars each, for four days services after the end of the session, in preparing the acts for publication, completing the Journals, and arranging the papers.

Clerks Senate and H. R.

To Thomas S. Page, for sixty cords of wood furnished the House of Representatives, one hundred and twenty dollars.

T. S. Page.

To James Davidson, for contracting for, and attending to the delivery and packing away sixty cords of wood, seven dollars and fifty cents.

J. Davidson.

To Tilman, (a man of color) for making fires, and bringing water for the use of the House of Representatives, ten dollars.

Tilman.

To Dick, (a man of colour) for similar services to the Senate, ten dollars.

Dick.

To the commissioners of the Lunatic Asylum at Lexington, for the support of the Lunatic's in the Asylum, for the year, 1831, seven thousand dollars.

Commissioners lunatic asylum.

To John Gilfillan, for services and expenses, in executing a notice on judge Brown, by order of the House of Representatives, twelve dollars.

J. Gilfillan.

1831.	To James C. Coleman, for services and expenses in travelling to and from Daviess county, and delivering a writ of election to the sheriff of said county, thirty-five dollars.
J. C. Coleman.	
Sergeant of court of appeals.	To the Sergeant of the Court of Appeals, for furnishing and fitting up a room for the Court of Appeals, eleven hundred and forty-seven dollars and forty-eight cents.
A. S. Parker.	To A. S. Parker, as per account rendered, twenty-five dollars and eight cents.
B. Hensley.	To B. Hensly, as per account, nineteen dollars and forty-three cents,
J. Dudley.	To Jephtha Dudley, eighteen dollars and eighty-five cents.
H. Blanton.	To Harrison Blanton, as per account, one hundred and forty-seven dollars, and forty-nine cents.
J. Kelly.	To James Kelly, as per account, eighty-eight dollars.
Messrs. Evans and Blanton.	To Messrs Evans and Blanton, forty-one dollars and seventy one cents.
J. Scott.	To Joel Scott, as per account, seventy-seven dollars, and twenty-eight cents.
J. Davidson.	To James Davidson, as per account, one hundred and twenty-four dollars and sixty-six cents.
H. Wingate.	To Henry Wingate, as per account, fourteen dollars eighty-seven and a half cents.
P. K. Stout.	To P. K. Stout, twenty-nine dollars, sixty-five cents.
J. P. Cammack.	To John P. Cammack, as per account, for work done in Representative Hall, eighty-one dollars and fourteen cents.
J. Goodman.	To John Goodman, for repairing the portrait and frame of General Lafayette, nine dollars.
A. W. Dudley.	To A. W. Dudley, for materials furnished in fitting up Representative Hall, as per account rendered, two hundred and fifty-nine dollars and twelve cents.
J. Wood.	To John Wood, as per account, eight dollars and seventy-five cents.
J. Scott.	To Joel Scott, as per account, two dollars and twenty-eight cents.
Comm'rs. of public buildings	To the commissioners of the public buildings, for the completion of the capitol, eight thousand dollars.
L. Munsell.	To Luke Munsell, as per account rendered, five hundred and sixty-six dollars and seventy cents.

To Stout and Mayhall, as per account rendered, 1831.
thirteen dollars.

To James G. Dana, as per account rendered, fifteen J. G. Dana.
dollars.

To Bacon and Johnson, as per account rendered, Bacon and
five dollars twenty-five cents. Johnson.

To John J. Vest, as per account rendered, two dol- J. J. Vest.
lars twenty-five cents.

To M. B. Morrison, as per account, three dollars. Morrison.

To John Rodman, as per account, seven hundred Rodman.
and forty-five dollars,

To Anthony Crockett, for wood furnished the Senate, Crockett.
during the present session, ninety-four dollars.

To A. C. Keenon, as per account, seven dollars Keenon.
twenty-five cents.

To Tilman, (a man of colour) as per account, nine Tilman.
dollars forty-cents.

To the trustees of the Baptist meeting house, in Trustees of
Frankfort, for a hand to ring the bell, and for the use baptist meet-
of their bell, two sessions of the Legislature, twenty ing house.
dollars.

To the temporary Board of Internal Improvements, Board of in-
the sum of three hundred and ninety-five dollars sixty- ternal im-
eight cents, for defraying the expenses of surveying provement.
Licking, Kentucky, and Green river.

To the Surveyor of Mercer county, for making a Surveyor of
plat of the road leading from Harrodsburgh to Bow- Mercer.
linggreen, ten dollars.

Be it further enacted, That the Auditor of public Dana and
accounts, be directed to settle with James G. Dana Hodges.
and Albert G. Hodges, for the residue of ther account
for public printing, and not included in their present
bill, and issue his warrant on the Treasury in their
favor, for such sum as may be found due them.

CHAP. DXXVIII.

*AN ACT to amend an act, entitled "an act, to incorporate
a company to build a bridge across Salt river, at the town
of Taylorsville."*

Approved, January 15, 1831.

SEC. 1. *Be it enacted by the General Assembly of the* Salt river and
Commonwealth of Kentucky, That the president and Taylorsville
directors of the Salt river and Taylorsville bridge com-
bridge com-

1831.

pany authorized to build a bridge across Brashears creek.

To sell additional shares of stock.

Citizens of Spencer exempted from paying toll on certain occasions.

President and directors to locate the bridges.

Governor authorized to subscribe for stock therein on certain conditions.

Proviso.

company, are hereby vested with the like power and authority, to construct or cause to be constructed, a bridge across Brashears creek, that was given to them, to construct a bridge across Salt river, at Taylorsville, by the act approved, January 29, 1830, incorporating said company, under the like rules, regulations and restrictions, should the capital stock of said company, prove more than sufficient to construct the bridge across Salt river, and the county court of Spencer consent thereto; and should the capital stock of said company, not be sufficient to build both bridges, the president and directors are authorized to sell or take as many additional shares of stock, as will accomplish the object. The citizens of Spencer county shall be exempt from paying toll, in going to, and returning from muster, in crossing both bridges.

Sec. 2. *Be it further enacted*, That the president and directors of said company, shall have the power and right to locate both bridges, the one across Salt river, opposite to Taylorsville, and the one across Brashears creek, as near the direct route from Taylorsville to Louisville, as may be.

Sec. 3. *Be it further enacted*, That whenever it shall be made to appear satisfactory to the Treasurer of this Commonwealth, that five shares have been subscribed by the county court of Spencer, or by individuals, he is hereby directed to subscribe for five shares, on the part of the state, in the stock of the company, for the purpose of constructing the said bridge across Brashears creek, and the Commonwealth shall be entitled to all the privileges and profits of a stockholder, in said company, under the rules, regulations and restrictions of the act, to which this is an amendment. *Provided*, That, should the capital of the said bridge company, exceed the sum necessary to build the bridge across Salt river, to an amount equal to five hundred dollars, then the said company shall certify that fact to the Treasurer, who shall subscribe the said five shares, on the part of the state, without any additional subscription by the county court or individuals.

CHAP. DXXIX.

1831.

AN ACT to extend and alter the terms of certain Circuit Courts of this Commonwealth.

Approved, January 15, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter the circuit court for the county of Pike, shall commence its sessions on the fourth Mondays in the months of April, July and October, and continue three juridical days, if the business of said court shall require it. Time of holding the circuit courts of Pike.

The circuit court for the county of Floyd, shall commence its sessions on the Thursdays after the fourth Mondays in April, July and October, and may sit four juridical days, if the business thereof shall require it. Floyd.

And that the circuit court for the county of Lawrence, shall commence its sessions on the next Wednesday succeeding the sitting of the Floyd circuit court, and may sit four days, if the business thereof shall require it. Lawrence.

The October term of the Bath circuit court, shall hereafter commence on the second Monday in said month, and continue eight juridical days, if the business thereof should require it. Bath.

The Morgan circuit court shall hereafter commence its sessions on the Wednesdays after the third Mondays in April, July and October, and continue four juridical days, if the business thereof should require it. Morgan.

The circuit court of the county of Casey, shall hereafter commence on the third Monday in November, in each year, and sit six juridical days at each term, if the business of the court shall require it. Casey.

And that the November term of the circuit court, held for the county of Russell, shall hereafter sit twelve juridical days, in each year, if the business of the court require it. Russell.

Sec. 2. *Be it further enacted,* That where any recognizance shall be taken to any of the courts hereby altered, it shall be, and the same is hereby held to be good and valid in law, and shall be answered to at the first terms of the several courts hereby changed, in the same manner as if no change had been made in any of said terms of said courts; and all civil cases shall be triable and disposed of, in the same manner as if no change had been made, in the holding of the terms of the several courts hereby altered. Process of all kind, and recognizances made returnable to the terms as altered by this act

1831.

Time of holding county courts in Russell.

In Lincoln.

Sec. 3. *Be it further enacted*, That the county courts of the county of Russell, shall hereafter be held on the second Monday in each month, except those months in which the circuit courts for said county, are authorized by law to be held.

Sec. 4. *Be it further enacted*, That hereafter the county court of Lincoln county, shall be held on the second Monday in February, in each year, and on the fourth Mondays in every other month, except those months in which the circuit court for said county, is directed to be held.

CHAP. DXXX.

AN ACT confirming the right of David and John Trimble in the erection of a dam at their Iron Works, on Little Sandy river, in Greenup County.

Approved, January 15, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the right of David and John Trimble, to erect a dam ten feet high, across Little Sandy river, at their furnace and forge on said river, in the county of Greenup, shall be, and is hereby confirmed and secured to them; and the order and proceedings of the county court of said county, authorizing a dam to be erected at said iron works, is hereby legalized; any act of Assembly to the contrary notwithstanding.

Sec. 2. *Be it further enacted*, That said David and John Trimble, shall annex such slope to said dam, as may be required of them, by the county court of the county.

Sec. 3. *Be it further enacted*, That the act passed during the present session, authorizing the said David and John Trimble, to erect a dam at the Blue ripple, across Little Sandy, shall be so amended as to fix the height of said dam, at ten instead of nine feet.

AN ACT to provide for completing the road from Beaver Iron Works, in Bath County, by way of West Liberty, to Louisa.

Approved, January 15, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That there is hereby appropriated, land warrants to the value of five hundred dollars, at five dollars per hundred acres, for completing the improvement of the road from Louisa, in Lawrence county, by way of West Liberty, to Beaver iron works, in Bath county; which warrants shall be issued by the Register of the land office, in the same manner, and subject to be located in the same counties, as provided for by the sixth section of an act, entitled "an act providing for the improvement of the road leading from Louisa, in Lawrence county, by West Liberty, to Beaver iron works; approved, January 24, 1827;" and the commissioners hereby appointed, shall be governed, in all respects, in the improvement of said road, and in regard to the disbursement of said land warrants, and every other thing, in regard to their duty as commissioners, shall be governed by the said act, as far as the same may be applicable; and the attorney for the Commonwealth, shall perform the duties required by said act.

\$500 worth of land warrants appropriated to improve the road.

Where to be located, and how disposed of, &c.

Sec. 2. *Be it further enacted,* That Lewis Ringlesby and Stephen Wheeler, of Lawrence county, and John Williams, of Morgan county, shall be appointed commissioners, under this act.

Commissioners appointed

Sec. 3. *Be it further enacted,* That James Kash, William Trimble and Isaac Lykens, are hereby appointed commissioners, to superintend the improvement of the state road, leading from Mountsterling to the Virginia line, which lies between the head of Slate creek, and where the state road crosses Blackwater.

Commissioners appointed to superintend the state road.

Sec. 4. Any two of said commissioners may act, and they shall proceed as soon as convenient, after the passage of this act, to meet at the house of George Allen, on Beaver creek, and thence proceed to view and mark out the road, as originally viewed, or to make such alterations as they may think proper.

When and where to hold their first meeting.

Sec. 5. For the purpose of improving that part of the aforesaid road, in rendering it convenient and safe

\$500 in land warrants ap-

1831.

appropriated for
that object.

Where to be
located, and
how and to
whom patent-
ed.

Commission-
ers to let out
the improve-
ment of the
road to the
lowest bidder.

To take
bonds from
the underta-
kers.

To assign to
them the land
warrants.

Commission-

for the passage of wagons and other wheel carriages, there is hereby appropriated, land warrants to the amount of five hundred dollars, at five dollars per hundred acres, which the Register of the land office is hereby required to issue, upon the application of any one of said commissioners, or their order.

Sec. 6. The warrants issued by virtue of this act, may be surveyed in the name of the assignee or assignees of said commissioner; and such warrants shall only be surveyed on any unappropriated lands in the county of Morgan, Bath or Montgomery, which shall be stated on the face of said warrants; and the Register shall issue patents for lands, surveyed upon such warrants, in pursuance of this act, as in other cases. The said warrants shall be issued for fifty acres each, but two or more warrants may be included in one survey.

Sec. 7. *Be it further enacted,* That said commissioners, after legally advertising at the door of the court house of Morgan, Bath and Montgomery counties, at least one court before the letting out of said road, and at such other public places in said counties, as are best calculated to give general information of the time and place of letting said road, they shall proceed to let the different lots, to the lowest bidder; and shall give the undertaker or undertakers a fair description, in writing, stating in what manner and by what time, the road is to be completed, taking from the undertaker or undertakers, bond and approved security, in the penalty of double the amount of warrants received, conditioned for the faithful performance of the contract, payable to the Commonwealth of Kentucky, which bond shall be obligatory and binding upon the obligors, for the amount of the penalty, in case they shall fail to comply with the conditions thereof.

Sec. 8. It shall be the duty of the commissioners aforesaid, after the undertaker or undertakers have executed bond, according to the provisions of this act, to pay over and assign to such undertaker or undertakers, the amount of land warrants, which they may severally be entitled to, for the completion of their contracts.

Sec. 9. Before any commissioner enters upon the performance of the duties herein prescribed, he shall,

in the county court of the county in which he resides, take an oath that he will faithfully discharge the duties of the commissioner of the road, according to law; and shall, in such court, enter into bond, with good security, to be approved by said court, in the penalty of one thousand dollars, payable to the Commonwealth, conditioned for the faithful performance of his duties, according to the provisions of this act, upon which, suit may be brought, in the name of any person aggrieved, until the whole penalty shall be exhausted.

1831.

ers to take an oath of office, and sign bond and security.

Condition thereof.

Sec. 10. The commissioners of said road, shall keep a fair and correct account of all contracts and expenditures, by them made, and each commissioner shall submit to the court of the county, in which he or they may reside, a full report and account of all contracts and expenditures, by them made, showing how, and with whom, each item of expenditure occurred, and what quantity (if any) of land warrants remains in his or their hands; and the county courts shall cause such reports to be recorded, which shall be considered a part of the *ex officio* services of the clerk, recording the same; the county courts shall allow such commissioner or commissioners, the sum of one dollar per day, for each day he or they shall be necessarily engaged in viewing, letting and receiving said road, and a reasonable compensation for attending court, to take the oath, and to execute bond, and to settle with the county courts, as directed by this act, if said commissioner shall demand or require it; and the said commissioners shall and may retain so much of the warrants hereby appropriated, as will be sufficient to discharge the amount, so allowed said commissioners, by the said courts, at the rate of five dollars per hundred acres.

To make reports to their respective county courts of their proceedings.

Reports to be recorded.

Allowance to the commissioners.

CHAP. DXXXII.

AN ACT to prevent further confiction in land claims, and to secure to Seaters and Improvers, a preference of location to lands improved by them.

Approved, January 15, 1831.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That no survey or grant, No survey or grant herein-*

1831.

after to issue
for lands be-
longing to
common-
wealth, so as
to include the
improvement
of an actual
settler, with-
out giving
him notice.

shall hereafter be made upon any interest hereafter derived from the Commonwealth, so as to include any lands improved or cultivated, enclosed or in the use and occupation of any person whomsoever, until the party intending to take up such land, shall have given three full calendar month's notice to such occupier, cultivator or improver, of his intention to take up, enter, survey or appropriate the same; describing in such notice particularly, the land intended to be entered, which notice shall be so special and certain, as to enable the occupier, improver, or cultivator, to enter, take up, or survey to his own use, during all which time the pre-emptive right shall belong to the person or persons in possession as aforesaid.

If the land is
not appropri-
ated by the
settler, with-
in three
months after
notice, they
may be ap-
propriated by
others.

Sec. 2. *Be it further enacted*, That in case such occupier, cultivator or improver, in possession of the improvement so referred to in the notice, shall not, within said three months, cause an entry and survey thereof, with a view to obtain a patent, then and in that case, it shall be lawful for the person who gave the notice as aforesaid, upon producing a certificate from the clerk of due proof of such notice, before the county court wherein the land lies, to survey and take up the land described in said notice, and proceed thereon according to law, subject however to the just right and claim of the person or persons so notified without prejudice, by reason of such notice; and all such notices, shall be recorded and certified, by the clerk of the county court wherein the land lies.

Proviso.

Sec. 3. *Be it further enacted*, That nothing in this act contained, shall be so construed, as to alter the rule of decision between individual private rights, conflicting and vested before the passage of this act.

CHAP. DXXXIII.

AN ACT restoring the Ferry privileges, to the town of Columbus.

Approved, January 15, 1831.

Apt of last
session grant-
ing ferry pri-
vileges to

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of an act "to establish a ware house, at the mouth of Jonathan's creek, in Calloway county, and for other purposes,"

as establishes a public ferry at the ware house landing of Owen G. Cates, and Robert Walker, fronting their lot No. three, in the town of Columbus, across the Mississippi river, to the opposite shore, in the name of the said Cates and Walker, their heirs and assigns forever, be, and the same is hereby repealed; it being satisfactorily proved, that lot No. three, in the town of Columbus, does not bind on the Mississippi river; that the margin of said river opposite the town of Columbus, in laying off the same, was reserved as a public landing, and belongs to the trustees thereof, for the use of the inhabitants; that under the laws of this state, the trustees of Columbus, were vested with ferry privileges from the said public ground, on the margin of the river, across the Mississippi river, for the use of the inhabitants; that said Cates, was the lessee of a ferry from the trustees of Columbus, and the said Walker his surety, at the time of granting the ferry hereby repealed, and that no notice of the application to the Legislature was given to the said trustees, nor a representation, that a ferry was already established there, made in their petition to the Legislature.

1831.

Cates and Walker, at the town of Columbus, repealed.

Causes therefor set forth.

Sec. 2. *Be it further enacted*, That so much of an act, entitled "an act to establish the towns of Floydsburgh, Brownsboro' and Paducah, and for other purposes, approved, January 11th, 1830," as repeals the second section of an act, "to amend the laws concerning the town of Columbus, at the Iron Banks; approved, December 17th, 1825," shall be, and the same is hereby repealed; and the second section of said act, "to amend the laws concerning the town of Columbus," is hereby re-enacted and restored.

Part of an act of 1830 repealed, and the act thereby repealed re-enacted.

Sec. 3. *Be it further enacted*, That all the ferry rights and privileges from the public ground, on the margin of the Mississippi river, at the town of Columbus, across the said river, to the opposite shore, are hereby re-granted and confirmed to the trustees of said town and their successors in office, for the use and benefit of the inhabitants thereof; and said trustees are hereby vested with power and authority, to lease one or more ferries from said public ground, from time to time, not exceeding five years at any one time.

Ferry privileges across the Mississippi, at Columbus, re-granted & confirmed, to the trustees thereof.

1831.

CHAP. DXXXIV.

AN ACT to incorporate the Bayou De Chien Navigation Company.

Approved, January 15, 1831.

Company to
be formed.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company shall be formed, under the name, style, and title, of the Bayou de Chien Navigation Company, for the purpose of opening and improving the navigation of said bayou de Chien, with a view to render it permanently navigable for ascending as well as descending vessels and water crafts.

Sec. 2. *Be it further enacted*, That the capital stock of said company, shall be ten thousand dollars, to be divided into shares of fifty dollars each.

Books for the
subscription
of stock to
be opened.

Sec. 3. *Be it further enacted*, That books for the subscription of stock in said company, shall be opened on the first Monday in April next, in the town of Clinton, under the direction of Samuel P. McFall; James W. Gibson, and Austin S. Tyler; in the town of Moscow, on the third Monday in April next, under the direction of Rezin Davidge, Samuel P. McFall, and Thomas Griffey; in the town of Millspoint, on the fourth Monday in April next, under the direction of John Shaw, George W. Marr, and John Hanna, who are hereby appointed commissioners. The said commissioners, shall procure a book or books, and the subscribers to the stock of said company, shall enter into the following obligation in said book or books, to-wit: We whose names are hereunto subscribed, do promise to pay, to the president and directors of the bayou de Chien navigation company, the sum of fifty dollars, for every share of stock in said company set opposite to our names, in such manner and proportions and at such times, as shall be required by said president and directors of said company, and agreeably to an act of the General Assembly of Kentucky, incorporating said company; witness our hands this— day of —18—. The said commissioners, or a majority of them shall give notice of the time and place of opening the books for the subscription of stock in said company, and that the same will continue open, until the amount of capital shall be subscribed.

Sec. 4. *Be it further enacted,* That so soon as the amount of twenty-five hundred dollars, for the capital stock, shall be subscribed, the said commissioners, shall call a meeting of the stockholders at Moscow, at such time as they may appoint, and hold an election for a president and ten directors, who shall hold their office for one year, and until others shall be elected and qualified. The said president and directors, shall, before they enter upon the duties of their appointment, take an oath before some justice of the peace, that they will faithfully discharge the duties of president and directors (as the case may be) without favor or affection, according to the best of their judgment. That upon the qualification of the president and directors, they shall appoint a treasurer, and such other officers as they may deem necessary, who shall hold their office for the term of one year, and until others shall be appointed; subject however to be removed at the pleasure of the president and directors. The treasurer of said company, shall before he enters upon the duties of his office, give bond with good security, in the penalty of twenty thousand dollars, payable to the president and directors of said company, conditioned that he will faithfully discharge the duties of treasurer of said company, and that he will, when called on, pay the amount of money in his hands to the order of the president and directors, and that he will perform the duties required of him by the by-laws of said company.

1831.

President and directors to be elected.

To take an oath.

Appoint treasurer, &c.

Treasurer to give bond.

Sec. 5. *Be it further enacted,* That upon the election and qualification of the president and directors as aforesaid, they shall be a body politic and corporate in deed and in law, by the name of the bayou de Chien navigation company; and by the said name, the said company, shall have perpetual succession and all the privileges and franchise incident, and belonging to a corporation; and shall be capable of taking and holding their said capital stock, and the increase and profits thereof; and of purchasing, taking and holding, to them and their successors and assigns, and of selling, transferring and conveying, in fee simple, all such lands, tenements and hereditaments, as shall be necessary to them in the prosecution of their work; and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of record in this Commonwealth or elsewhere; and also, to have a

President and directors to be a body corporate.

1831.

common seal, and to do every other matter or thing which a body politic or corporate may lawfully do.

Stock to be paid.

Sec. 6. *Be it further enacted*, That the said president and directors, upon their entering upon the discharge of the duties of their office, may call upon the stockholders, for the payment of ten dollars on each share subscribed in said stock; and may, if necessary, call for ten dollars on each share, every one hundred and twenty days, until the whole amount subscribed shall be paid.

How the stockholders are to vote.

Sec. 7. *Be it further enacted*, That the number of votes, to which each stockholder shall be entitled, according to the number of shares he may hold, shall be in proportion as follows: for every share under five, one vote; for every three shares over seven, one vote. The stockholders may vote in person, or by proxy, and none but a stockholder, shall be eligible as a president and director, treasurer, or to any other office in said company, the duties of which appertain to the pecuniary concerns of said company; and the president and directors, shall cease to be such, on his or their ceasing to be a stockholder. The annual election of president and directors and other officers, shall be held on the first Monday in September, 1831, or as soon thereafter as the stock shall be subscribed, and every year thereafter, at the town of Moscow; at which time, the president, shall lay before the stockholders an expose of the situation of said company; and also, the record of their proceedings for the preceding year.

None but stockholders eligible to office in said company.

Annual election.

Certificates of stock.

Sec. 8. *Be it further enacted*, That the president and directors first chosen as aforesaid, shall deliver a certificate signed by the president, and countersigned by the treasurer, and sealed with the seal of the corporation, of each share subscribed and held by any stockholder, which certificate shall be transferred on the books of said corporation, in person or by attorney. But no share shall be transferred, until all the calls and arrearages are paid thereon. The original certificate of the share or shares transferred, shall be surrendered, and a new certificate shall issue to the purchaser or assignee, who shall be a member of said company, and entitled to all the benefits and privileges that the original owner was entitled to.

How transferred.

Meetings of

Sec. 9. *Be it further enacted*, That the president may call meetings of the directors at such times as he

may think proper. A majority of all the directors including the president, shall be necessary for the transaction of business, they shall keep a record of all their proceedings, to be entered in a book, to be provided for that purpose; and the proceedings of the board shall be signed by the president, and in case of the absence of the president, the directory shall elect a president, pro tempore, and they may adjourn from time to time, as they may think proper.

1831.

president and directors.

To record their proceedings.

Sec. 10. *Be it further enacted*, That all the meetings of said president and directors, shall be held in the town of Moscow, in Hickman county.

Sec. 11. *Be it further enacted*, That the president and directors shall have power to agree with, and appoint all such surveyors, engineers, superintendants, artists, officers, workmen and laborers, as they shall judge necessary, to carry on the contemplated works and improvements, and to fix their salaries and wages, to draw orders on the treasurer, for all moneys necessary to pay salaries and wages of persons employed, and for labor and materials of all kinds furnished, and to do all such other acts, matters and things, as by this charter and the by-laws of the corporation, they are or shall be required to do, or which may be necessary to effectuate the objects of this act.

Surveyors, &c to be employed, &c.

Sec. 12. *Be it further enacted*, That the president shall give notice, in a public manner, by advertising at the towns of Clinton, Moscow, Millspoint and Columbus, for at least thirty days, of the amount of the call on each share of the stock, and of the time of payment, and if any stockholder or stockholders, shall neglect or refuse to pay his proportion of the stock, for the space of sixty days, after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalments so called for, pay at the rate of one per cent. per month, for every delay of such payment; and if he shall delay to pay the amount of such call, and the penalty aforesaid, for the space of six months, after the time such payment is required, he or they shall forfeit said share or shares to the corporation, and the amount that shall have been paid thereon; and the president, by order of the directory, shall sell the said shares at public sale, having advertised the same for twenty days. *Provided*, The same will bring the amount of the balance due

Time of the payment of stock to be advertised.

Penalty for a failure to pay

Provido.

1831.

on said share or shares: And, *provided*, no stockholder shall vote at any election, or be entitled to any of the rights of a member of said corporation, unless the whole amount due and payable as aforesaid, on the share or shares, by him held, shall have been paid, agreeably to the requisition of the president and directors; or instead of forfeiting the share or shares of any such delinquent stockholder, the president and directors, may institute suit or suits, in any court of competent jurisdiction, in the name of the corporation, to recover the sum due and unpaid.

The company
may enter on
lands, &c,
near said
bayou.

Sec. 13. *Be it further enacted*, That the president and directors of said company, by themselves, their agents or workmen, shall have full power and authority to enter upon any lands in the vicinity of said bayou de Chien, and cut down and remove all trees within one hundred feet of the banks of said bayou, from Moscow to the mouth thereof; and to construct dams, locks, slopes, canals, docks or any other thing within the contemplation of this act, doing as little injury to the ground and enclosures as possible; and also to take any timber, earth, stone or gravel, necessary for the purposes contemplated by this act.

Improvements to com-
mence at
Moscow.

Sec. 14. *Be it further enacted*, That the said company shall commence their improvements and operations, at the town of Moscow, and shall proceed down said bayou, to its mouth, clearing away the impediments and obstructions, to the easy and free navigation of said bayou, from Moscow to its confluence with the Mississippi river, for keel boats, flat boats or any other water craft, ascending or descending said bayou; and said president and directors, by themselves, their agents or servants, when said bayou shall be so improved, as to afford a free and easy navigation for keels, flat boats and other water crafts, ascending or descending, shall have power and authority to demand and receive from the owner or owners, master or super cargoes of all vessels, boats, barges or other crafts, ascending or descending said bayou, the following rates of toll, to be paid before any such vessel, boat, barge or other craft, shall be permitted to pass down said bayou, to-wit: for all vessels, steam boats, barges, keel boats or flat boats, two cents per ton, United States measurement, for each mile said vessel or boat may run in said bayou, either in descending or

Rates of toll.

1831.

ascending; for each raft of timber, plank or other lumber, two cents for every thirty feet in length, by twenty feet in width, the said tolls to be paid in gold or silver coin, current in the United States. The president and directors shall fix and establish such sums as they may think proper, for the use of the docks, basins and other appendages, to the works erected on said bayou, which rates, with the foregoing rates of tolls, shall be posted up in some conspicuous place, at each lock, or at Moscow, and the mouth of said bayou, and no other or greater rates shall be demanded, than those thus posted; and if any person shall attempt to navigate said bayou, without payment of the toll, or shall attempt to elude the payment of the same, said president and directors may attach the boat or other craft of such person or persons, and hold the same, until the rates of toll are paid, and if they are not paid in one month after such attachment, said cargo of such boat, or so much thereof, or the boat itself, if there be no cargo on board, shall be sold, as will be sufficient to pay the toll and costs of said attachment; which attachment shall be prosecuted by the laws now in force, regulating attachments.

Sec. 15. *Be it further enacted*, That the said president and directors, shall keep a fair and just account of all moneys which shall be received, by them, from subscribers of the stock in the company, and for tolls, &c., and of all moneys, by them expended, in the prosecution of said work, and all costs, charges and expenses, of clearing away and removing trees, driftwood and other obstructions, and of erecting any and every work, dam, lock, gate or other buildings or appurtenances, and of keeping the same in repair. And on the first Mondays in January and July, in each year, after said works and improvements, in whole or in part, shall have been completed, have the same made up, and the balance of the profits struck and divided among the stockholders, and report the same to the general annual meeting of the stockholders, to be held in Moscow, on the first Monday in January, in each year; and if it shall appear, from the report so made as aforesaid, under the oath of the president and directors, that the profits so divided, do not amount to six per cent. per annum, on the capital expended, the said president and directors shall be au-

Account to be kept of moneys received and expended.

1831. **Tolls may be increased.** authorized to add to the tolls for the succeeding year, until the net profits, after deducting for all expenses and repairs and necessary improvements, shall amount to six per cent. per annum.

Charter granted for twenty years. Sec. 16. *Be it further enacted*, That this charter of incorporation shall last and continue, for the term of twenty years. *Provided, however*, That the Legislature shall, at all times, have the power and right to repeal or modify the same, at their pleasure.

Reservation.

CHAP. DXXXV.

AN ACT appointing a Keeper of the Penitentiary.

Approved, January 15, 1831.

Joel Scott appointed keeper. SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the first day of February, eighteen hundred and thirty-two, Joel Scott, the present keeper of the Penitentiary, be, and he is hereby appointed keeper and agent of the Penitentiary, to have the whole and sole management thereof, and to continue in office as such, until the first day of February, eighteen hundred and thirty-five, subject however to removal by the Legislature, whenever, in their opinion, said Scott, shall fail to manage said institution, in such manner as the interest of the state may require.

To receive the same pay, and be governed by the same rules as heretofore. SEC. 2. *Be it further enacted*, That said Scott, shall receive as a compensation for his services, in the management of said institution, the same as allowed him by an act, entitled "an act, further to regulate the Penitentiary, approved, January 10, 1825;" and the said Scott shall, in all respects, be governed by the laws now in force, in relation to the keeping and management of the Penitentiary.

To be proven, and give bond SEC. 3. *Be it further enacted*, That before the said Scott, shall enter upon the discharge of his duty, as keeper and agent of said institution, he shall take the oath, and enter into bond and security, in the same manner, and under the same penalties, as is required by the 14th section of an act, approved, the tenth of January, eighteen hundred and twenty five, appointing said Scott keeper as aforesaid.

• Sec. 4. *Be it further enacted and provided,* That if the Legislature shall, at any time before the expiration of the term, for which the said Joel is appointed, repeal this law, and remove the said Joel Scott, that the bond of the said Joel, shall nevertheless remain in force, and he be liable for a breach thereof, notwithstanding such repeal; and that the Legislature further reserves to itself the power, to pass all laws deemed necessary for the regulation of the Penitentiary, or varying the duties of the keeper, or to amend this act, and such laws, or any of them shall not be considered a violation of the contract with said Scott.

1831.

Proviso.

Sec. 5. *Be it further enacted,* That the fourth section of the above recited act, be, and the same is hereby repealed.

Repealing clause.

CHAP. DXXXVI.

AN ACT to amend an act, entitled "an act, to provide for the erection of two bridges across Rock Castle River."

Approved, January 15, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the now acting commissioners, who were appointed to contract for, and superintend the building of a bridge across Rock Castle river, where the state road from Crab Orchard to Cumberland gap, crosses the same, be, and they are hereby directed to let out, to the lowest bidder, the finishing of the bridge, according to the plan on which the same has been commenced, giving one month's previous notice in two public newspapers, of the time when the same will be let, taking bond and good security from the contractor, to finish said bridge, within one year, in a good, neat, strong and workmanlike manner, and out of the reach of high water.

Commissioners to contract for building the bridge, and to let the finishing of it, to the lowest bidder.

Sec. 2. *Be it further enacted,* That the sum of fifteen hundred dollars in gold, silver, or bank paper, which passes at par, be, and the same is hereby appropriated to aid in finishing said bridge, and to be drawn upon the order of the commissioners, or a majority of them.

\$1500 appropriated.

Sec. 3. *Be it further enacted,* That if the sum above appropriated, be not sufficient, then the deficiency is

if that sum is insufficient to

1831. to be paid by the keeper of the turnpike gate, erected on said road, out of any tolls which may be collected at said gate; the money to be paid by the keeper of the gate, to the commissioners or their order.

finish the bridge, the balance to be paid out of the tolls on said road.

Bridge to be kept in repair

Sec. 4. *Be it further enacted*, That when said bridge is completed, the same shall be kept in repair, in the same manner, and under the same regulations, that said road is now by law to be kept in repair.

CHAP. DXXXVII.

AN ACT to allow additional Justices of the Peace, to certain Counties.

Approved, January 15, 1831.

WHEREAS, the citizens of Cloverport, are desirous to have a magistrate to reside in their town: Therefore,

A justice to Breckinridge.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an additional magistrate, be allowed to Breckinridge county, to reside, at the time of his appointment, in the town of Cloverport.

Greenup.

Sec. 2. *Be it further enacted*, That one additional justice of the peace, be allowed to the county of Greenup, to reside, at the time of his appointment, near the state road, where it crosses Williams creek.

Washington.

One to the county of Washington, to reside, at the time of his appointment, in the neighborhood of Thomas C. Yocum.

Grayson.

One to the county of Grayson, to reside, at the time of his appointment, in the neighborhood of the Falls of Rough creek: And one to the county of Hopkins, residing, at the time of his appointment, in the militia company of Captain Dunville

CHAP. DXXXVIII.

AN ACT for the benefit of the widow and heirs of James Ladd, deceased.

Approved, January 15, 1831.

Preamble.

WHEREAS, it is represented to the present General Assembly, that James Ladd departed this life,

1831.

in the year one thousand eight hundred and twenty-seven, having made his will, devising his estate, except a few articles, to his wife, Elizabeth Ladd, during her widowhood, and appointed Benjamin Dawson, his executor; that he left eleven children, all of whom are yet infants; that the executor proceeded to sell the personal estate, and applied the proceeds to the payment of the debts; that there are debts yet unpaid; to the amount of two hundred dollars; the personal estate exhausted; and that, to pay the same, it will be necessary to sell a part of the one hundred and fifteen acres of land, willed to the widow as aforesaid; and that it would be to the interest of said heirs, and a saving to the estate, that sale should be made, by a decree of court, in preference to a sale under execution. For remedy whereof:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That upon the said widow and executor, exhibiting their bill, in the Henry circuit court, substantially setting out the facts aforesaid, together with the amount of the personal estate, and debts paid and yet unpaid; and that the widow is willing, that so much of the one hundred and fifteen acres of land, shall be sold, as will pay off the residue of the debts, making the children of the said James Ladd, defendants; and upon their answer or answers being filed, if it shall be the opinion of the court, upon a consideration of all the facts, that it will conduce to the interest of the heirs, that so much of the land should be sold, as will be sufficient to discharge the debts, the said court shall, by its decree, order so much of said one hundred and fifteen acres of land, to be sold, as will be sufficient to pay the debts; that the executor or some other fit person, be appointed commissioner, to sell and convey the land to the purchaser; and in addition, the said court shall require the said executor, to give bond, and good security, to the Commonwealth, in the penalty of five hundred dollars, for the faithful application of the money, arising from such sale, to the payment of debts, due and chargeable upon the estate of said James Ladd, deceased, according to the regular course of administration.

Henry circuit court authorized to direct a sale of a tract of land.

1831.

CHAP. DXXXIX.

AN ACT for the benefit of the heirs of Elizabeth Geddings.

Approved, January 15, 1831.

Preamble.

WHEREAS, it is represented to the General Assembly, that Elizabeth Geddings, departed this life, leaving several heirs, apart of whom are infants, but possessed, at her death, of part of lot No. 70, in the town of Glasgow. That the lot has on it, an old frame building, fast going to decay, and rents for but little; and part of the heirs, to-wit: Willis A. Bush, and Malinda his wife, John Thompkins, and Pamela his wife, and George W. Welsh, have petitioned the Legislature to pass a law, authorizing a sale of said property; and further representing that the lot is not susceptible of division, and that a sale will be for the interest of the infants, as well as the adults. For remedy whereof:

Barren circuit authorized to decree the sale of a house and lot in Glasgow.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful, for the said Willis A. Bush, John Thompkins, and Pamela his wife, and George W. Welsh, or any of them, to file their bill in chancery, in the Barren circuit court, setting forth the reasons and causes, why they desire a sale of the lot, making the whole of the heirs parties; and it shall be the duty of the court, to cause the heirs to be duly summoned; and further to appoint a guardian *ad litem*, to answer for the infant heirs; and if, on the hearing of the cause, it shall appear to the court, that it will advance the interests of the infants, to sell the property, the judge shall decree a sale, to be made in such manner, as he shall think most for the advantage of the heirs, subject, however, to the final ratification of the court; and the judge, on confirming the sale, shall and may make such order or decree, for the distribution of the estate, as may seem reasonable, not inconsistent with the statutes of distribution; it shall, moreover, be the duty of the judge, to make such order and decree, as the case may require, for securing to the infants, their share, and if necessary, to take bond and security of some person, to take care of it, subject to the claim of such infants or their guardian of record.

CHAP. DXL.

1831.

AN ACT for the relief of the sheriff of Gallatin County.

Approved, January 15, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sheriff of Gallatin county, be allowed the further time of three months, from and after the passage of this act, to return his delinquent list, to the Auditor of public accounts, for the year one thousand eight hundred and thirty.

Further time given to return his delinquent list.

CHAP. DXLI.

AN ACT to establish a new Judicial District.

Approved, January 15, 1831.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That there shall be established an additional judicial district in this Commonwealth, which shall be styled the sixteenth judicial district, composed of the counties of Livingston, Caldwell, Calloway, Hickman, Graves, and McCracken; and that a circuit judge, and Commonwealth's attorney, shall be appointed for said district, who shall possess the same powers, and receive the same emoluments, that are now allowed by law to other circuit judges, and Commonwealth's attorneys of this state.

New district established.

Sec. 2. *Be it further enacted,* That the counties of Hopkins and Union, be taken from the fourteenth district, and annexed to the seventh judicial district.

Union county taken from the 14th district and added to the 7th.

Sec. 3. *Be it further enacted,* That so much of an act, entitled "an act, to establish the county of Calloway, approved, the thirtieth day of November, one thousand eight hundred and twenty-two," as authorizes the appointment of two assistant judges in the counties of Hickman and Calloway, and all laws heretofore enacted, authorizing the appointment of assistant judges, in the counties of Graves and McCracken, be, and the same are hereby repealed.

Authorizing the appointment of assistant judges, in the counties of Hickman, &c. repealed.

Sec. 4. *Be it further enacted,* That hereafter, the terms of the Hickman circuit court, shall commence on the first Mondays in April, July and October; and the terms of the McCracken circuit court, after the next ensuing April and July terms, shall commence on the

Terms of courts.
Hickman.
McCracken.

1891. second Mondays in the months of April, July and October; and the terms of the Graves circuit court, after the next ensuing April and July terms, shall commence on the Thursday succeeding the second Mondays in October, April and July; and the terms of the Calloway circuit court, after the next ensuing April and July terms, shall commence on the fourth Mondays in October, July and April.

Hickman circuit court, at the two next terms, to sit twelve days.

Sec. 5. *Be it further enacted*, That the next ensuing terms of the Hickman circuit court, to be holden in the months of April and July, in the year one thousand eight hundred and thirty-one, shall continue at each of those terms, twelve juridical days, if the business of the court shall require it.

CHAP. DXLII.

AN ACT to authorize the Sheriff of Monroe County, to execute bond for the collection of the Revenue Tax, and County levy of said County.

Approved, January 15, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Monroe county, shall permit and require the sheriff of said county, to execute bond for the faithful collection of the revenue tax, and county levy of said county, at the next February or March term of said court; and the said bond so executed, shall, to all intents, be as legal and binding, as if executed according to the existing laws on that subject.

CHAP. DXLIII.

AN ACT to incorporate the trustees of Mount Pleasant School house, in Franklin County.

Approved, January 15, 1831.

Trustees appointed and incorporated.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Scott Brown, James Dillon, Thomas Parker, Benedict Carlisle and John B. Crockett, be, and they are hereby constituted a body corporate, to be known and designated by the name and

style of the trustees of the Mount Pleasant school house in the county of Franklin, with power to supply, by the election of others, any vacancies that may occur in their body, by death, removal or resignation, so as to keep a perpetual succession, and by their corporate name aforesaid, to sue and be sued.

1831.

Sec. 2. *Be it further enacted*, That it shall and may be lawful, for the said trustees and their successors in office, and they are hereby invested with full power and authority, in their corporate capacity, to purchase or receive by donation, and to hold the title to the tract of land, not exceeding ten acres, on which the said school house now stands, and to hold the same, to themselves and their successors in office, for the use, benefit and purpose of a school, and to make negotiations and by-laws for the government of the school.

May hold ten acres of land.

And pass by-laws.

CHAP. DXLIV:

AN ACT for the benefit of Eli Bently.

Approved, January 15, 1831.

WHEREAS, it is represented to the General Assembly of the Commonwealth, that Eli Bently has entered the north east quarter of section five, township two, range four, west, in Hickman county at the price of fifty cents per acre; and that said quarter section is embraced in the military survey of Thomas Todd deceased; and that said Bently, at the time of making said entry, was unapprised that said quarter section was military land. For remedy whereof:

Preamble.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That said Bently, shall be permitted to enter in the Receiver's office, west of the Tennessee river, to the value of eighty dollars, any other vacant or unappropriated land, belonging to this Commonwealth, free of charge; and said entry, heretofore made by said Bently, of the quarter section, in the preamble of this act mentioned, is hereby declared null and void.

Bently may enter land west of Tennessee, to the value of \$80.

1831.

CHAP. DXLV.

AN ACT for the benefit of John Woolford, of Casey County.

Approved, January 15, 1831.

Woolford may enter 1000 acres of land, in Casey county, for the benefit of salt works.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That John Woolford, of the county of Casey, be, and he is hereby granted the privilege of locating one thousand acres of land, within the distance of one mile of a salt well, which the said Woolford is now boring, on Goose creek, in the aforesaid county of Casey, provided the survey or surveys are executed and registered within twelve months after the passage of this act; and the Register is hereby directed to issue a patent or patents for the same, to the said Woolford or his assigns, as in other cases, whenever said Woolford pays into the public Treasury, five dollars per hundred acres. *Provided,* That the state price is paid within two years after the passage of this act.

CHAP. DXLVI.

AN ACT for the benefit of James Lockridge.

Approved, January 15, 1831.

Preamble.

WHEREAS, it is represented, that James Lockridge, has entered the south east quarter, and the north east quarter of section sixteen, township three, range three, west, containing each, one hundred and sixty acres of land; and that said quarter sections are covered by, and included in a military survey; and the said Lockridge having petitioned the General Assembly of Kentucky, to permit him to enter two other quarter sections of land, in lieu of the said quarter sections aforesaid: Therefore,

Lockridge may enter two quarter sections of land.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the entry made by said Lockridge, and the patents issued to him, for the two quarter sections of land, in the preamble of this act mentioned, be, and the same are hereby annulled and declared void, and of no effect; and the said Lockridge shall be permitted to enter, in the receiver's office, in the land district, west of the Tennessee

river, any two quarter sections of vacant and unappropriated land, belonging to this Commonwealth; and the Register of the land office is required to issue, grants to said Lockridge, for any such quarter sections entered by him, under the provisions of this act.

1831.

CHAP. DXLVII.

AN ACT for the benefit of the heirs of Henry Perkins, deceased, and others.

Approved, January 15, 1831.

WHEREAS, it is represented to this General Assembly, that Henry Perkins, of the county of Henry, departed this life, intestate, leaving two children, who have not yet arrived at age, and who have removed from this Commonwealth, and that one of the said children, has intermarried with a certain Jonathan Stanley: And, *whereas*, it is further represented, that the said Perkins, died possessed of a tract of land, in the county of Henry, on the waters of Drennon's Lick creek, containing about one hundred acres; which tract of land, from having been rented out, for a number of years, has become unproductive; and the said Stanley and wife, believing that they had the right to sell the said tract of land, (the said Stanley having purchased, previously, all her dower interest,) did sell the same, for about the sum of \$800, to a certain Hawthorn, on a credit, for about half the purchase money, the other half having been paid down, and the said purchaser, being unwilling to make payment of the balance of the purchase money, until a good legal conveyance be made. For remedy whereof:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be lawful for the Henry circuit court, upon bill filed upon the equity side thereof, by the said Stanley and wife, together with the said purchaser, Hawthorn, against the infant heir of said Perkins, and also against his widow, and her present husband, Meek, alleging the above facts, and designating the tract of land sold, and desired to be conveyed, to appoint a guardian *ad litem* for the said infant heir, and cause him to answer said bill; and if, upon final hearing, it shall appear to be

Henry circuit court may decree the sale of a tract of land owned by Perkins

1831. the interest of said infant heir, then to decree a conveyance of said land, agreeably to the sale heretofore made; and requiring the said widow, if she have not already sold it, to the said Stanley, to give bond and security, to pay over the dower interest, to the heirs entitled to the same, upon her death; the remainder to be paid to the heirs or their guardians, who may be entitled to receive the same, after the payment of the debts of the said decedent, if any; which conveyance, shall pass all the title and interest of the said widow and heirs, in and to the said land. *Provided*, Said guardian shall, previous to receiving the money, belonging to said infant, enter into bond, in an adequate penalty, conditioned to pay over the same, with legal interest, to his ward, upon arrival at full age.

Proviso.

Committee,
of two idiots,
authorized to
sell their land
in Mercer.

Sec. 2. *Be it further enacted*, That the committee of Mary Bonta and Margaret Bonta, idiots, in the county of Mercer, be, and they are hereby authorized to sell and convey their interest, in a tract of land, lying in said county, containing about forty acres, upon such credit as they may deem just; and upon the payment of the purchase money, apply the interest thereof, to the support and maintenance of said idiots. *Provided*, That said committee, previous to making sale of said land, shall enter into bond and security, in the county court of Mercer, conditioned for the faithful application of the interest of the money aforesaid, and to their heirs, after their decease.

Preamble.

And, *whereas*, heretofore, Samuel Arbuckle made a conveyance of a small tract of land, to Jordan H. Walker and Thomas Phillips, trustees, for the use and benefit of Fanny Richardson, wife of John C. Richardson, in Anderson county; and it is represented, that all parties are desirous, that said land should be sold, and the proceeds invested in other lands, in the state of Missouri: Therefore,

Anderson circuit
may decree a sale of
land.

Sec. 3. *Be it further enacted*, That the said Jordan H. Walker, Thomas Phillips, John C. Richardson and Fanny Richardson, may file their petition, in the Anderson circuit court, stating and setting out the terms of said trust, and praying for a sale, or authority to exchange said land; and upon filing thereof, the court may take such order thereon, as may be necessary to a fair trial of the cause, and may hear written or parol testimony, for and against the propriety of making

such sale, and exchange; and if said court shall be of opinion, that the sale or exchange of said tract of land, would be advantageous to said Fanny Richardson, a decree shall be rendered, in conformity thereto, under such rules and conditions, as may best secure the interest of the said Fanny Richardson. 1831.

And, *whereas*, it is represented to the present General Assembly, that the heirs of William Flood, deceased, are possessed of a small tract of land, in Montgomery county, containing about forty-six acres: And, *whereas*, it will conduce much to their interest, to sell said land, and apply the proceeds thereof, to the purchase of other lands, in the state of Missouri, or elsewhere: Therefore, Preamble.

Sec. 4. *Be it further enacted*, That Charles Glover be, and he is hereby authorized to sell the said tract of land, for the best price which can be had, and lay the same out, in the purchase of other lands, in the state of Missouri, or elsewhere; the title to such land, when purchased, shall go in the same manner, and subject to the same demands, and vested in the same persons, as the land now is. *Provided*, That said Glover shall, before he sells said land, give bond and good security, in the county court of said county, in the penalty of \$1000, for the faithful discharge of his duties, as is herein pointed out. C. Glover may sell a tract of land, in Montgomery, belonging to Flood's heirs. Proviso.

CHAP. DXLVIII.

AN ACT to amend the laws in relation to Guardians,

Approved, January 15, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of an act, passed, the first of March, seventeen hundred and ninety-seven, as required Guardians, to exhibit their accounts for settlement, with the county courts, once in every year, be, and the same is hereby repealed; and guardians hereafter, shall only be required to make out upon oath, an inventory of the estate, of their respective wards, and file the same with the county court clerk, whose duty it shall be, to record the same in a book kept for that purpose; and the clerks, shall be allowed to charge such fees, as are allowed by law for similar Guardians not required to settle their accounts yearly. To make out on oath an inventory of ward's estate.

1831.

Proviso.

May be re-
quired to set-
tle at any
time if the
estate be
mismanaged.
Court may
remove guar-
dians.

services. *Provided, however,* That the guardian, shall not be required, to make out but one inventory, for the whole of the estate of his respective wards, having the same ancestor: And, *Provided, further,* that it shall and may be lawful, for the county court, upon the information of any one of its members, or upon affidavit, made by any person, that the guardian is mismanaging the estate of his ward, that said county court, shall be required, to summon any such guardian, to appear, and settle the accounts of his ward, with said court, and in the discretion of said court, they may either continue or remove said guardian, and appoint some other person to take charge of said estate.

CHAP. DXLIX.

AN ACT providing for the erecting a Tomb Stone, over the grave of the late General John Caldwell; and for other purposes.

Approved, January 15, 1831.

WHEREAS, it is represented, to the present General Assembly, that the grave of the late General John Caldwell, (who departed this life, while presiding as Lieutenant Governor in the Senate) is, not enclosed, and lies uncovered: Therefore.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That his excellency the Governor, do cause the grave of said General John Caldwell, to be enclosed in a permanent enclosure, and his grave to be covered by a Tomb Stone, or Monument; and that he shall have power and authority, to draw from the keeper of the Penitentiary, any materials necessary to do so, and by his warrant, such sum as may be required to carry this act into effect.

CHAP. DL.

AN ACT for the benefit of Gustavus Brown.

Approved, January 15, 1831.

Preamble.

WHEREAS, it is represented, that Gustavus Brown, has paid into the treasury of this Commonwealth, the

sum of twelve dollars, sixty-six and one fourth cents, for tax, interest, and costs for the years one thousand eight hundred and twenty-six, seven, and eight, on twelve hundred acres of land, at the confluence of the Cumberland and Ohio rivers, listed for taxation by the name of said Brown, which was forfeited on the tenth day of December, one thousand eight hundred and twenty-nine, to the state of Kentucky, for the non-payment of the aforesaid sum: And, *whereas*, it appears, that said Brown, by his agent, did regularly pay to the sheriff of Livingston county, the taxes due on said land, for the said years 1826, 1827, and 1828: Therefore,

1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of public accounts, shall issue his warrant upon the Treasurer, in favor of said Brown, for the said sum of twelve dollars, sixty-six and one fourth cents, and the Treasurer is hereby directed to pay the same to the said Brown:

To be paid
\$12 66 1/4 out
of the treasury.

CHAP. DLI.

AN ACT appointing Commissioners to review a State Road, leading from Owenton to Ghent, on the Ohio river.

Approved, January 15, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Roger M. Tandy, Westly Wayland, and John O. Hamilton, be appointed commissioners, to run that part of the state road, which runs from Lexington, through Owenton, to Ghent, on the Ohio river, so far as the same runs through the county of Gallatin, and mark such alterations in the same, as they may deem necessary; provided that such alteration shall be made, as will be advantageous to the public, and not infringe upon the rights of private individuals.

Commissioners appointed to view said road, in Gallatin county.

Sec. 2. *Be it further enacted*, That the county court of Owen county, shall have power, a majority of all the justices of said county, concurring therein, to appoint three commissioners to run so much of said road as lies between Owenton and Eagle creek, and that said commissioners, act under the provisions of the foregoing section.

County court of Owen, may appoint commissioners of Owen county.

1831.

Road may be altered.

Owners of land to be paid damages

Comm'rs how paid.

Sec. 3. *Be it further enacted*, That the above named commissioners, shall, after making such alterations, lay the same before the county courts of Gallatin and Owen, (a majority of all the justices of said counties being present) for their approval. *Provided, however*, That nothing herein contained, shall be so construed as to prevent any person through whose land the said road shall run, from having the advantages usually allowed by writs of *ad quod damnum*. The said commissioners are to be paid out of the county levy of their respective counties.

CHAP. DLII.

AN ACT to amend "*an act, further to regulate the Bank of the Commonwealth; approved, January 29, 1830.*"

Approved, January 15, 1831.

Agents to be sworn to pay into bank the money the money they receive, or money at par value.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That every agent, appointed by the president and directors, according to the provisions of the above recited act, shall, on or before the first day of May next, take the following oath or affirmation, before some justice of the peace, duly qualified to administer an oath: "I do solemnly swear or affirm (as the case may be) that I will pay into bank, the same description of money, I have received of the debtors, to the bank of the Commonwealth, or money at par value, with that which I have received, so help me God," which shall be recorded in the record book of the justice, administering said oath.

Agent to give bond.

Sec. 2. *Be it further enacted*, That every agent shall, within six months from the passage of this act, renew their bonds, with good security, in a reasonable penalty, "conditioned faithfully to discharge the duties, enjoined by the above recited act;" and with the farther condition, that they shall pay into the bank, the description of money, they received of the debtors to the bank, or money at par value, with what they do receive.

CHAP. DLIII.

1831.

AN ACT to authorize the County Court of Casey to change the location of the state road, through the lands of Charles Vandiver, in said County.

Approved, January 15, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Casey, two thirds of the members in commission, concurring, may change so much of the state road, as runs through the lands of Charles Vandiver, provided that change will not be injurious to the public good.

CHAP. DLIV.

AN ACT for the benefit of William Thomas, of Casey County.

Approved, January 15, 1831.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William Thomas, a citizen of Casey county, may, on or before the first day of June next, cause to be surveyed, by the surveyor of Casey county, any quantity of vacant and unappropriated land, not exceeding one thousand acres in a square, or one third longer and wide, as near as the adjoining claims will permit, to the tract of land, now held by the said William Thomas, and on which he is now boaring for salt water, on Goose creek, and he doth, on or before the first day of January, one thousand eight hundred and thirty-three, return to the Register's office, a plat and certificate of the survey, and by paying into the Treasury of this Commonwealth, within two years from the first day of January, one thousand eight hundred and thirty-one, five dollars for each hundred acres, in said survey, and producing the Auditor's *quietus* for said land, as in other cases.*

May survey 1000 acres of land for salt works.

CHAP. DLV.

AN ACT to authorize the executors of Samuel Givens, deceased, to convey lands, sold by said Givens, in his lifetime.

Approved, January 15, 1831.

WHEREAS, it is represented to the present General Assembly, that Samuel Givens, of Union county,

1831. departed this life, in the year 1830, having some years previous to his death, made a will, in which he appointed Joshua H. Davis, James R. Hughes and Thomas J. Givens, his executors; that the will has been proved, and recorded in the Union county court, and the said Joshua H. Davis and James R. Hughes, have given bond, and qualified as executors to the will; that between the date of the will, and the death of said Samuel Givens, he had sold several tracts or parcels of land, lying in the said county of Union, and executed obligations for the conveyance thereof; that said Givens had not, during his life, obtained the legal title to a part, or to the whole of the lands, so sold, and died without having conveyed, or without having given to his executors, authority to convey the same; and it is further represented, by the executors, Davis and Hughes, that they can procure the legal title to the lands, thus sold, (which had not, before his death, been conveyed to said Givens) to be conveyed to his heirs, but as part of the heirs are infants, they cannot, nor can the executors, for want of authority, under the will, convey the lands, to the persons holding said Givens' obligations for the title; and that the estate of said Givens, will be much harrassed with suits, and put to much costs, damages and charges, by the persons holding the obligations of said Givens, for the conveyances aforesaid. For remedy whereof:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the acting executors of the said Samuel Givens, deceased, be, and they are hereby authorized, where the legal title to the lands sold, is now vested in, or shall hereafter be conveyed to the heirs of the said Samuel Givens, deceased, to convey the same to the persons owning the obligations of said Samuel Givens, for such conveyance, according to the terms thereof, provided the purchase money shall have been paid, before such conveyance; and the conveyances, when thus made, shall pass the title to the person holding such obligation, for a title, as if the authority to convey, had been given to the executors, by the said Givens, in his said will.

CHAP. DLVI.

1831.

AN ACT to amend the Laws concerning the powers of the Trustees of the town of Glasgow, and for other purposes.

Approved, January 15, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the county court of Barren county, shall within eleven months after the passage of this act, sell the brick wall around the jail, and the buildings on the public square, adjoining the said wall around the jail, in the town of Glasgow, to the highest and best bidder, on a credit of twelve months, taking from the purchaser or purchasers, bond and good security for the payment of the purchase money; which, when collected, shall be applied by said court, towards lessening the county levy.

Wall around the jail to be sold.

SEC. 2. *Be it further enacted,* That the owners of ground lying around the public square in said town, shall each respectively pave the front walk, at least eight feet wide, opposite their respective lots; and the trustees of said town, are hereby authorized, to cause said paving to be done by the owners of such property; and in case any such owner shall, after the lapse of six months, after notice in writing, to do such pavement, shall be served upon him or them, by said trustees, fail to execute such paving, it shall and may be lawful, for said trustees, to cause the same to be done; and the said trustees, shall have a lien on any lot of ground, lying on the public square, belonging to any such person; and the trustees may, by due notice of such sale, at the court house door, in said town, sell to the highest bidder, for ready money, any such lot of ground, or so much thereof, as may be necessary to pay for such paving, which the said trustees may have caused to be done, opposite such lot.

Front walks to be paved adjoining the public square.

SEC. 3. *Be it further enacted,* That when the owner of any lot of ground, adjacent to the public square, is not a citizen of Barren county, said trustees, shall give at least two month's public notice in some authorized newspaper printed in this state, requiring such individual, to cause such paving to be done; and after the lapse of six months from such notice, if such owner shall fail to cause such paving to be executed, it shall be lawful

If non-resident owners do not pave the walks, the trustees may have it done.

1831. for said trustees, to cause the same to be done, as in the second section herein provided.

Further powers of trustees

Sec. 4. *Be it further enacted*, That the said trustees, shall have power and authority, to remove any stable or other house, not being a dwelling house, from off the public square in said town; and said trustees, shall have power and authority, to suppress any grocery or grog shop, in said town, and to prevent grocery keepers, or any person on their behalf, from selling spirituous liquors to negroes on Sunday; and if any individual, shall presume to continue to keep such grocery or grog shop, after notice in writing, to such person or persons, that the same is suppressed, such individual or individuals, shall be liable to a fine of five dollars for every day they shall continue thereafter, to keep such grocery or grog shop; which fine may be recovered by said trustees in their name, before any justice of the peace, and shall be applied in improving the streets and alleys in said town.

Tax limited.

Sec. 5. *Be it further enacted*, That the trustees of said town, shall not levy any tax upon property in said town to exceed eighteen and three fourth cents, upon each hundred dollar's worth of property.

Poll tax.

Sec. 6. *Be it further enacted*, That where any individual living in said town, pays no tax upon said property in said town, said trustees may tax any such person, not exceeding fifty cents, as a head tax.

No person to keep more than fifteen hogs in said town.

Sec. 7. *Be it further enacted*, That no person in said town shall, at any one time, own and permit more than fifteen hogs directly or indirectly to be in said town, under the penalty of having the same taken and sold by said trustees, and applied towards improving the streets and alleys in said town. *Provided, however*, That any citizen of said town, shall have the right to keep as many hogs as he pleases, if he will keep them up within his own enclosure.

Owners of lots not facing public square may build porticos.

Sec. 8. *Be it further enacted*, That where any person is the owner of any lot or lots, not facing on the public square, it shall and may be lawful for such person or persons, to erect any portico they may wish on the street, opposite such lot. *Provided*, The same be not more than seven feet wide.

Further powers of the trustees.

Sec. 9. *Be it further enacted*, That the trustees of said town, shall cause the citizens of said town to keep their wood from off of the public square; and where

any citizen shall have wood lying in the streets of said town, (not put there to be used in the building of any house) the trustees may give him or her notice to remove the same immediately, and upon the failure of such person or persons to remove such wood within a reasonable time, they shall be fined by said trustees any sum not exceeding five dollars for each offence, to be recovered by said trustees, in their name, before any justice of the peace; and to apply the said fine, when collected, to the improvement of the streets and alleys in said town.

1831.

Sec. 10. *Be it further enacted*, "That the trustees of said town, shall have power to tax the property of those residing within one fourth of a mile of the court house; who may have a store, grocery, office or shop of business in said town, on said square, the same, as if said persons resided in said town."

Certain persons may be taxed.

Sec. 11. *Be it further enacted*, That the trustees of said town, shall have the power to sell any alley in said town not adjoining the public square, and any ground within the limits of said town, to which there is no person having title in law, or equity, and apply the proceeds, to improving the streets and alleys in said town.

Trustees may sell alleys.

Sec. 12. *Be it further enacted*, That the provisions of the seventh section of this act, shall not apply to, or be enforced against any person living more than one quarter of a mile from the public square.

Sec. 13. *Be it further enacted*, That the trustees of Glasgow shall, within six months after the passage of this act, proceed, on some county court, or circuit court day in said county, to sell the property in this act directed to be sold, after advertising such sale, at the court house door, in said town, for one month.

Property directed to be sold in six months.

Sec. 14. *Be it further enacted*, That the county court shall, at the next April term, cause the road from James Trabue's stable, on the Scottsville stage-road, to Nancy Mayfield's on said road, to be opened, and to run a straight, direct course, as much so as the ground will admit, at all events, so as to escape the pond near Nancy Mayfield's house, on the road to Glasgow; and any owner of land, through which said road shall be run, may on application to the court, have a writ of *ad quod dampnum* awarded as in other cases re-

County court to direct the road to be opened at next April term.

Owners of land may have a writ of *ad quod dampnum*.

1831. lating to roads. *Provided*, That none of the provisions of
 Proviso. this act, shall take effect until the first day of Decem-
 ber, 1831.

CHAP. DLVII.

*AN ACT for the benefit of the devisees of John Donald-
 son, George Stockton and James Lewis.*

Approved, January 15, 1831.

Preamble.

WHEREAS, it is represented to the present Gen-
 eral Assembly, that John Donaldson departed this life,
 in the county of Clarke, devising his lands to his chil-
 dren, two of whom are infants, and that it would
 conduce to the interest of said infants, to have their
 interest sold jointly, with the adult heirs. For remedy
 whereof:

Clarke cir-
 cuit court
 may decree a
 sale of land of
 Donaldson's
 devisees.

SEC. 1. *Be it enacted by the General Assembly of the
 Commonwealth of Kentucky*, That it shall and may be
 lawful, for the said infant heirs, by their guardians;
 to file their bill, in the Clarke circuit court, verified
 upon the oath of said guardians, setting forth the fact
 and circumstances upon which they rely; and the said
 court shall be authorized to hear, by parol, the testi-
 mony of any witness, which may be produced; and
 if, upon the hearing of said cause, the court shall be
 of opinion, that it will conduce to the interest of said
 infants, to direct, by his decree, a sale thereof, and to
 direct the proceeds thereof, to be paid according to
 the provisions of said will.

Commission-
 ers to be ap-
 pointed to
 sell the land

SEC. 2. *Be it further enacted*, That if the court
 shall direct a sale thereof, they shall appoint one or
 more commissioners, for the purpose of selling and
 conveying, who shall execute bond, with approved
 security, before said court, to execute faithfully, all
 duties enjoined on them, by this act, or the decree of
 said court.

Preamble.

And, *whereas*, George Stockton, sen'r. did, by his
 last will and testament, devise to his daughter, Phebe
 Barns, about sixty acres of land, upon which she resi-
 ded, the use thereof for her natural life, and at her
 death, to pass to her children, (some of whom are in-
 fants,) and that said tract of land, is destitute of tim-
 ber, and that it would conduce to their interest, to sell
 the same: Wherefore,

Sec. 3. *Be it further enacted*, That it shall and may be lawful, for the adult heirs, in conjunction with said infants, by their guardians, to file their bill, in the Fleming circuit court, verified by the oath of one or more of them, setting forth the facts and circumstances under which they rely for a sale; and said court shall be authorized to hear, by parol testimony, of any witness which may be produced; and if, upon the hearing of the cause, the court shall be of opinion, that it will conduce to the interest of said infants, to direct, by their decree, a sale of said tract of land, and to appoint one or more commissioners, to make said sale, upon such terms as the court shall direct, and to execute deeds of conveyance therefor, and that they pay the purchase money over to the said heirs; and the court shall require of the commissioner or commissioners, first to execute bond, with approved security, to execute faithfully, the duties enjoined upon them, by this act, or the decree of said court.

1831.

Land of the devisees of Stockton may be sold.

And, *whereas*, James Lewis, deceased, late of Fleming county, died possessed of a small tract of land, in said county of Fleming, upon which he then resided, and a few slaves; that by his last will and testament, he charged sundry children, with advances made, and then directed the residue of his estate, to be equally divided among the residue of his children, save one; and that no power is conferred upon his executors, to sell, and that a division thereof, cannot be made in kind, and that some of the devisees are infants: Wherefore,

Preamble.

Sec. 4. *Be it further enacted*, That it shall and may be lawful, for the executors and devisees of said James Lewis, to file their bill, in the Fleming circuit court, setting forth the facts relied upon, for a sale, and if it shall appear to the court, that a division thereof cannot be made in kind, or that it would conduce to their interest, to have a joint sale, to direct, by his decree, a sale thereof, and to appoint the executors of said James Lewis, commissioners to make said sale, and to execute deeds of conveyance, first taking from them bond, with approved security, to execute faithfully, the duties enjoined upon them, by this act, and that they will pay over, the proceeds of said sale, according to the provisions of said James Lewis' will.

And the land of the devisees of James Lewis.

1831.

CHAP. DLVIII.

AN ACT for the benefit of Lydia M'Cord, and her infant children.

Approved, January 15, 1831.

Preamble.

WHEREAS, it is represented to the present General Assembly, that William Caldwell, late of the county of Washington, by his last will and testament, devised to his executors, Robert Wickliffe, Charles Caldwell and Thomas Caldwell, a small tract of land, in said county, together with a few slaves, for the exclusive use of his daughter Lydia M'Cord, wife of John M'Cord, for life, and after her death, to her children; and that he also devised to his son, the said Thomas, a valuable estate in lands, slaves and other estate; that said Thomas Caldwell, has also departed this life, unmarried, having first duly executed his last will and testament, by which he devised, in trust, to Samuel Grundy, for the use of his said sister, Lydia M'Cord, a valuable estate, consisting in part, of a tract of land, the late residence of her father and brother, and a number of family slaves; in consequence of which latter bequest, the small real estate devised to her, by her father, consisting of a tan yard, and about seventy acres of surrounding grounds, have ceased to be necessary, as a residence for the said Lydia and her children, and is now liable to go into waste and ruin: And, *whereas*, it also appears, that the said Thomas Caldwell, died indebted a sum of money, between one and two thousand dollars, for the payment of which, the said Lydia and her trustees, are without means, except the family slaves, and other personal estate, left by said Thomas, which are necessary for the comfort and convenience of the said Lydia and her children; and it further appearing, that the said trustees of said Lydia, under both devises, and the said Lydia and John M'Cord, her husband, are desirous that the tan yard and surrounding land, shall be sold, in preference to the family slaves, and articles of household goods, left her by her brother; and it being further represented, that such sale will be for the ultimate advantage of the infant children of the said Lydia M'Cord: Therefore,

SEC. 1. *Be it enacted by the General Assembly of the*
 Circuit court *Commonwealth of Kentucky, That it shall and may be*

lawful, for the said John M'Cord, and Lydia M'Cord, his wife, and the acting trustee or trustees of said Lydia M'Cord, and her infant children, to file their joint petition or bill, setting forth the above facts, and any others connected with the case, praying that a sale may take place, making the infant children of the said Lydia defendants; and on the said children, being duly summoned, to answer the bill, to appoint for them, some meet and disinterested person, guardian *ad litem*, to defend the suit; and if it shall appear to the court, upon a full view of the case, that it will be for the benefit of the said Lydia M'Cord, and her children, that said real estate, devised for her benefit, by her father, shall be sold to pay the debts due from the said Thomas Caldwell, to decree that a sale shall be made, and that the trustees aforesaid, shall execute a deed of release, to the purchaser; and further, that the said John M'Cord and Lydia M'Cord, shall execute a deed to the purchaser, with a special warranty, against the claim of the said Lydia M'Cord, her heirs and assigns, and against the devisees of her father; and also, that the infant heirs shall, by their guardian *ad litem*, execute a deed of release. *Provided, however, Before* Proviso.

the said deed shall be received by the court, the judge shall issue a commission to some discreet person, to take the privy examination of said Lydia, and upon her signing, sealing and delivering such deed, and declaring that she does the same, of her own free will and accord, without the threats or persuasions of her husband, or any other person, it shall be the duty of the judge, to order said deed, together with the privy examination, to be recorded, and the same, when so executed, shall be as obligatory, to all intents and purposes, as if the said Lydia were a *feme sole*, and her infant children adults; which deed, with the other deeds, shall be delivered to the purchaser or purchasers, and the money arising from the sale, to be paid to the acting trustee, Charles Caldwell, under the will of William T. Caldwell, and the trustee, under the will of Thomas Caldwell, to be applied in the payment of debts, of the said Thomas, and the balance, if any, to the use of said Lydia, and her children, agreeably to the provisions of the will of her father, William T. Caldwell.

1831.

of Washington may decree a sale of land.

1831. And, *whereas*, it is further represented, that Robert Wickliffe hath, for the present, declined to take upon himself, the executorship of the estate of William T. Caldwell, but that the said Charles Caldwell and Thomas Caldwell, did duly qualify as such; and it being further represented, that Samuel Grundy is desirous of declining the trust, under the will of Thomas Caldwell.

Preamble..

Sec. 2. *Be it further enacted*, That in case of the failure of the said Wickliffe and Grundy, to act, it shall and may be lawful, for the said Charles Caldwell and the trustee or trustees, appointed by the circuit court of the county of Washington, in place of the said Samuel Grundy, to execute, and to do all things provided for in this act, in the same manner, and with like effect, that the trustees appointed by the will aforesaid, may or could.

CHAP. DLIX.

AN ACT to authorize the Nicholas County Court, and the Trustees of the town of Carlisle, to appropriate money to purchase a Fire Engine for the use of said town.

Approved, January 15, 1831.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That for the better preservation of the public buildings and records of Nicholas county, it shall be lawful for the county court of said county, to appropriate any sum not exceeding one hundred dollars, out of county funds, to aid the citizens of the town of Carlise (the county seat of said county,) in purchasing a fire engine for the use of said town; which appropriation may be made at any term of said court, a majority of all the justices being present and concurring therein.

Sec. 2. *Be it further enacted*, That the trustees of said town, are hereby authorized to apply any money now collected, or that may be collected within the present year, (1831,) on the taxable property in said town, under the act of the 19th of December, 1821, towards the payment of said engine, and the erection of a suitable building to keep it in.

CHAP. DLX.

1831.

AN ACT to regulate the Madison and Crab Orchard Gates, on the Turnpike and Wilderness State Road, and for other purposes.

Approved, January 15, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the keepers of the Madison and Crab Orchard gates, on the Wilderness road, shall, after the 1st day of March next, receive the following rates of tolls, from persons with their property passing said gates, and no more. On each one horse wagon or cart, 25 cents; each two horse wagon, 37 1-2 cents; each road wagon, 75 cents; each ox cart, 50 cents; each pleasure carriage on springs, 75 cents; each horse beast, mule or ox, drawing such carriages, wagons or carts, 6 1-4 cents; each horse beast, mule, jack or jenny in droves, 4 cents; each head of cattle, 2 cents; each head of hogs, sheep or goats, 1 cent; for each person over 10 years of age, 6 1-4 cents.

SEC. 2. *Be it further enacted*, That no tolls, shall be collected from any persons or citizens of Laurel county with their property, in passing either of the gates on the wilderness turnpike road.

CHAP. DLXI.

AN ACT for the benefit of William Hardin.

Approved, January 15, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That William Hardin be allowed out of any money in the treasury, not otherwise appropriated, the sum of ninety one dollars, for keeping Gabriel Hardin, an idiot, one year, nine months and twenty-six days; beginning the first day of December, 1825, and ending the 27th day of December, 1827, no allowance having ever been made for the same, and it appearing, that said William Hardin, kept and provided for said Gabriel, during said period.

Allowed for
keeping an
idiot.

1831.

CHAP. DLXII.

Place of voting in Laurel county.

AN ACT to amend an act, entitled "an act, to amend an act, to establish an election precinct, in Green County, approved, the sixteenth day of December, one thousand eight hundred and twenty-nine, and to establish an election precinct in sundry other Counties."

Approved, January 15, 1831.

WHEREAS, an act has passed during the present session of the Legislature, establishing an election precinct, at the house of John Casteal, in the county of Laurel, and by mistake, the name of John Casteal is spelled John Cassell. For remedy whereof:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That whenever the name of John Cassell occurs in said act, it shall stand and read as the name of John Casteal, and so much of said act as uses the name of John Cassell, is hereby repealed.

CHAP. DLXIII.

AN ACT further to regulate the Whitley Turnpike Road,

Approved, January 15, 1831.

So much of the law as appoints commissioners repealed.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of any act as appoints commissioners to superintend the turnpike road, from London, in Laurel county, by Williamsburg, in Whitley county, to the Tennessee state line, be, and the same is hereby repealed.*

County courts of Laurel and Whitley, to lay off the road into precincts, and appoint overseers, &c.

SEC. 2. *Be it further enacted, That the county courts of Laurel and Whitley counties, are hereby directed, so far as said road may pass through said counties, to lay the same off into precincts, and appoint surveyors. Two in the county of Whitley, and one in the county of Laurel, and allot all the hands, living within three miles of said road, to work on said road, under the same rules and regulations, and subject to the same penalties, as are now prescribed by law, for other public roads.*

Lands appropriated to keep said road in repair

SEC. 3. *Be it further enacted, That in addition to the public lands, already appropriated, to open and keep said road in repair, that all the public lands, in Laurel county, south of the reserved line, be, and the*

same is hereby appropriated, to open and keep said road in repair.

1831.

Sec. 4. *Be it further enacted*, That the proceeds of all the lands herein, and heretofore appropriated, to open and keep in repair said road, instead of the same being deposited in the hands of commissioners as heretofore, the same shall be deposited with the clerks of the county court of Laurel county, and Whitley county; that is, the proceeds of all the land lying north of Laurel river, with the clerk of the Laurel county court; and all lying in the county of Whitley, south of Laurel river, with the clerk of the court of Whitley, which money, the county courts of Whitley and Laurel, shall have power and authority, to direct the appropriation and disbursement of it as they deem best and most advantageous, to open and keep in repair said road: And, *whereas*, Marcel Stow, has erected a bridge on said road, across Little Laurel river, at his own expense.

Money to be deposited with the clerks of Whitley and Laurel counties.

Sec. 5. *Be it further enacted*, That the county court of Laurel county, may, and they are hereby authorized, to pay him for said bridge, out of the proceeds of the public lands, appropriated to open and keep in repair said road. *Provided*, The same does not exceed fifty dollars.

M. Stow to be paid for a bridge.

Sec. 6. *Be it further enacted*, That the surveyors of the road, hereby directed to be appointed, shall be allowed one dollar per day, for each day they may be actually employed in working on said road, to be paid out of the proceeds of the public lands hereby appropriated.

Pay of the surveyors of said road.

Sec. 7. *Be it further enacted*, That the county court of Whitley, a majority of all the justices being present, when said road in their opinion is open and in repair, to erect and keep up a gate on said road, and appoint a gate keeper, and empower said keeper, to have, receive and collect tolls, according to the rules, regulations and rates now established by law. *Provided*, *nevertheless*, That the citizens of Whitley county, on public days, when going to their court house and returning therefrom, shall not pay toll, nor shall any hand allotted to work on said road, pay toll.

A turnpike gate to be erected in Whitley.

Proviso.

Sec. 8. *Be it further enacted*, That the money collected at said gate, shall be distributed, in the following manner, to the clerks of the county courts of

Money collected for tolls to be distributed:

1831. Whitley and Laurel, in the same proportion that the said road, as to distance, passes through each county respectively, which money shall be disbursed in the same manner, to open and keep in repair said road, as the proceeds of the public lands herein appropriated, are directed to be applied.

Settlers not
to be injured.

Sec. 9. *Be it further enacted*, That nothing in this act contained, or any other act relating to this road, shall be so construed, as to deprive the settlers of the lands, which have heretofore been, or may herein be appropriated, to open and keep in repair said road, from the same indulgence in paying for their lands as is extended to other settlers on the Green river and Tellico lands.

Surveyors to
give bond.

Sec. 10. *Be it further enacted*, That the county courts of Whitley and Laurel, shall take from the surveyors herein directed to be appointed, bond and good security, to faithfully apply and appropriate the moneys which may come to their hands, to open and keep said road in repair. And, *whereas*, Linn Camp creek is the boundary line, between Whitley and Laurel counties.

A bridge to
be built across
Linn Camp
creek.

Sec. 11. *Be it further enacted*, That each surveyor and hands, herein directed to be appointed, shall do an equal portion of work on a bridge which is hereby directed to be erected across said creek, on said road, and the funds in the hands of the surveyors, respectively, shall be equally applied to erect, complete and keep in repair said bridge.

Settlement to
be made with
the commis-
sioners.

Sec. 12. *Be it further enacted*, That the county court of Whitley county, shall cause a settlement to be made with the present commissioners, and should any balance remain in their hands, unexpended, to pay the same over to the overseers appointed under this act; and cause to be certified, to the clerk of Laurel county, whatever sum may be in the hands of said commissioners for lands appropriated north of Laurel river.

Register to
issue land
warrants.

Sec. 13. *Be it further enacted*, That whenever it shall be certified by the clerk of Laurel county to the Register, that any person has paid any sum of money, or is entitled to any sum for labor done on said road, the said Register, is directed to issue a land warrant, in favor of the individual for so many acres of land, as he may be entitled to, at the present prices of the public lands, to be appropriated on lands north of Laurel river.

CHAP. DLXIV.

1831.

AN ACT for the benefit of the County of Bracken.

Approved, January 15, 1831.

WHEREAS, it is represented to the present General Assembly, that Philip Buckner, Robert Davis, John Marshall, Vachel Welden and John Sells, the then acting trustees of the town of Augusta, did, on the 28th day of August, 1805, by their deed, convey to Isaac Day, John Thomas, Samuel Hedges, Rudolph Black, Samuel Miranda and Giles Fegan, the then acting justices of Bracken county, and to their successors in office, forever, a piece of ground in the town of Augusta, containing about two acres, for the use of the county of Bracken, as a place whereon to erect the public buildings, for said county of Bracken: And, *whereas*, it is further represented, that the county court of Bracken, have, at considerable expense, erected the public buildings on said ground, and that the court for said county of Bracken, now do, and have for a long time, held their sessions in the court house erected on said ground; but doubts are entertained by the good people of Bracken county, whether the trust is sufficiently created and manifested, in the said grantees, to pass the land and its appurtenances to their successors: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said county court of Bracken, shall have full power and authority to hold and keep to themselves, and to their successors forever, for the use of the county of Bracken, and to no other intent, use, or purpose whatever, and the Commonwealth doth hereby release and convey, to the said county court forever, all right, title and interest, which may have become lapsed, or vested in her, in as full and ample a manner, as she might or could hold or claim the said lot.

Preamble.

County court of Bracken to hold the public ground, and the right of the commonwealth to it released.

CHAP. DLXV.

AN ACT to amend the road law, in the County of Greenup.

Approved, January 15, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That any road commis-

Road commissioners to be sworn.

1831.

sioner, elected for the county of Greenup, and having received his certificate of election, from the high sheriff, or one of his deputies, agreeably to an act of Assembly, entitled "an act to amend the law in relation to opening and repairing the public roads, in certain counties; approved, January 29th, 1830," may make the oath required by said act, before any justice of the peace, in his county, which oath shall, by such justice, be reduced to writing, in the form of an affidavit, and filed by the commissioner, making the same with the clerk of the county court of said county; and upon filing the same, such commissioner may proceed to execute any of the duties required of him, by law, except the receiving of moneys, coming to the road commissioners, which he shall not have authority to receive, until he has executed bond, with security, in the county court, as required by the above recited act.

If commissioners fail to give bond at the first court may do so afterwards.

Sec. 2. Should the commissioners, or any of them, fail to execute bond, at the next county court, after he or they are elected, from sickness, absence or any other cause, it shall be lawful for him or them, to execute the same, at any succeeding county court, and a majority of the commissioners shall be competent to perform any act or duty, required of said commissioners, or authorized to be done, by them.

Sheriffs to deliver orders appointing overseers.

Sec. 3. *Be it further enacted*, That the commissioners may, from time to time, furnish the sheriff of said county, or one of his deputies, with their orders, appointing overseers, and he shall, within ten days thereafter, deliver such order to the overseer therein named, or leave the same at his place of residence, with some white member of the family, over twelve years of age; and such sheriff shall return, in writing, upon a separate piece of paper, to the clerk's office of the county court, within ten days thereafter, the time and manner of executing this duty; which return shall be evidence against such overseer, and have the same force, as the return of sheriff, upon any process directed to him.

Lists of hands to be added.

Sec. 4. It shall be the duty of the several overseers of roads, in their county, to add to his list of hands, furnished by the commissioners, any and all persons liable by law, to work upon the public roads, who shall have been omitted by the commissioners, or who shall have arrived at the age of twenty-one years, after the

list furnished him, or who shall have removed within the bounds of his precinct, or resided therein, for the space of one month; but the overseer making the addition, shall not charge any person, so by him added, with more than his poll tax, as laid by the commissioners, until he has the written directions of the commissioners, with what revenue to charge him; nor shall any person so added, be liable to work upon the public roads, for the year in which he is so added. *Provided*, He produces the certificate of the overseer of the precinct, from which he removed, or of any one of the commissioners, that before his removal, he was charged with a road tax, in another precinct in said county, for the year.

1881.

Proviso.

Sec. 5. If, for the want of the sitting of a county court, before which the commissioners may present the list of delinquents, as required by the 10th section of the above recited act, or if from any other cause, the said commissioners shall fail to place the connected list of delinquents, in the hands of the sheriff, on or before the first Monday in January, in any year; they shall, nevertheless, proceed to perform that duty, on or before the first Monday in April, following, and the sheriff shall receive a receipt for, and collect the same, as though he had received such list, on the first Monday in January; and if, from sickness or any other cause, any of the overseers shall fail to return their delinquent lists, to the clerk's office, by the first Monday in December, in each year, they shall, nevertheless, return the same, as soon thereafter, as practicable; and if the commissioners shall have placed the list of delinquents, in the hands of the sheriff, before the return of such list, they shall again make out a list of these delinquents, and place them in the hands of the sheriff, as an additional delinquent list or lists, and take his receipt therefor, whose duty it shall be, to collect and account for the same, as though he had received it in the first instance; but the commissioners in the one case, and the overseers in the other, shall be liable for any of the failures herein provided for, without some good excuse, and the return of the list, or the placing of the same in the hands of the sheriff, shall only be given in evidence, in mitigation of the fine to be assessed.

Delinquent lists may be placed in the hands of the sheriff before the 1st April.

1831.

Road pre-
cincts to be
numbered.

Sec. 6. It shall be the duty of the road commissioners of said county, to number the several road precincts therein, and to furnish the commissioner of the revenue, in each year, with a copy of the boundary of each precinct, with its number, within twenty days after the appointment and qualification of such commissioner; and he shall, in taking in the lists of taxable property, place all the persons in any one precinct, connectedly together, upon his book, shewing above such connection the appropriate number of the road precinct, and the clerk shall copy the book, in this form, for the commissioners, instead of copying it alphabetically; as heretofore.

Commission-
ers may hire
hands.

Sec. 7. The road commissioners of said county, shall have power, from time to time, to hire by the day, month or any other period, persons to labor upon the public roads, and shall provide for furnishing such hirelings with provisions, if they shall contract so to do; and they may purchase or obtain, upon hire, carts, oxen, ploughs and other things, necessary for carrying on, with success, the improvement of the public roads, or for repairing the same, or building bridges, culverts, causeways, or the like.

Commission-
ers may
change roads.

Sec. 8. The road commissioners shall have power, from time to time, to make any necessary alterations or changes, in any of the public roads of said county, by first obtaining, in writing, the assent of the owner of the land, over which such alterations will pass, or his authorized agent, if either the one or the other resides within the county; but if the owner of the land, reside not within the county, nor any known agent for him, the commissioners may proceed to make any alterations in the public roads, without regard to the assent of the owner of the lands. *Provided*, Such alterations shall not pass through any portion of such lands, which is enclosed by fencing or otherwise, and in actual occupation, without the written assent of the owner, be his or her residence, where it may; and it shall be the duty of the commissioners, to return to the clerk's office of the county court, a written statement of every alteration, shewing particularly, the alteration by them made, through whose land it passes, if the owner thereof be known. *Provided, however*, That the commissioners shall make no alteration in any public road, upon the request, or for the accommodation of any individual, unless such

1831.

individual, shall have first placed the proposed alteration, in as good a state of repair, or better than the old way, and not then, if the proposed alteration will increase the length of the road, or in any other manner, be prejudicial to the public interest, or the convenience of travellers; and for a violation of this restriction, the court, before whom any of the commissioners shall be indicted, or presented therefor, shall give judgment against such commissioners, for double the amount of the fine assessed by the jury; and shall also give judgment, that the road be restored back to the ground which it occupied, before its alteration was made. *Provided*, That nothing in this section contained, shall be construed to prevent the county court from making alterations in the public roads, except, that such court, shall not change any portion of any road, which has been the result of a change made by the commissioners.

Sec. 9. The commissioners may exempt any poor person, who is laboring under disease or infirmity, either of body or mind, from his liability to work on the public roads; but such exemption shall only continue, during the continuance of the disease or infirmity; and said commissioners may omit to call upon females, who own taxable property, for their portion of the road tax, where the amount of revenue due by such female, does not exceed, annually, fifty cents.

Commissioners may exempt poor persons from working on roads, & tax.

Sec. 10. The sheriffs shall collect the amount due from all delinquents, for failing to work on the public roads; in specie or money at par value, and pay the same over to the road commissioners.

Road tax to be paid in specie.

CHAP. DLXVI.

AN ACT to incorporate the Lexington and Kentucky Turnpike Road Company.

Approved, January 15, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a company shall be formed for the purpose of constructing and keeping in repair an artificial road from Lexington to the Kentucky river, in the direction of Richmond, in Madison county.

Company to be formed.

1831.

Capital stock

When books of subscription are to be opened, and by whom.

Length of time books of subscription are to be kept open.

Commissioners to give public notice.

Powers of comm'rs.

Style of the company, and their powers.

Sec. 2. The capital stock of said company, shall be fifty thousand dollars, to be divided into shares of fifty dollars each.

Sec. 3 The books of subscription, shall be opened on the first Monday in April next, at the house of John Postlethwait, in the town of Lexington, under the care and direction of David McGowan, Thomas P. Hart, John Tilford, William Richardson, and Charlton Hunt, or a majority of them; and on the same day, at the house of William George, in Fayette county, under the care and direction of Waller Bullock, Henry Clay, Robert Wickliffe, Richard Downton, John Dunlap and George Hunt, or any two or more of them; and on the same day, at the house of Edmund Bullock, in said county, under the direction of Edmund Bullock, Charles Carr, James Shelby, Thomas Shelby, James Jenkins, Jeremiah Rogers, and John Hunt or any two of them; and on the same day at Athens, under the care and superintendence of Henry Bledsoe, Richard Mercer, James Boggs, William Spur and ———— McCann, or any two of them, who shall at each place, open subscription books, to be provided by them, for that purpose; and unless otherwise directed by a majority of all the commissioners, shall keep the books open for subscription, until the full sum of fifty thousand dollars is subscribed, or such other less sum, as the commissioners, shall deem sufficient, to commence or complete the road with. The commissioners shall give public notice in a newspaper published in Lexington, that the books will be opened on said day, at the places aforesaid; and shall also have full power and authority, to require the whole, or any of the subscription to be paid at the time of subscribing, or to take the note or notes of such subscribers, for the future payment of the sum subscribed; and so soon as ten thousand dollars or upwards, shall be subscribed, the commissioners shall give notice thereof, to the stockholders, and appoint a day when they shall assemble at the house of said Postlethwait, to elect a president and directors for said company; and so soon as they shall so elect or appoint their managers aforesaid, the said subscribers, and all others that may thereafter become subscribers for stock, shall be a body corporate and politic, to be known by the name and style of the president, directors, and company of the Lexington and

Kentucky turnpike road company, and shall have perpetual existence, with all the privileges and franchises, incident to a corporation, and as such shall be capable of taking and holding real and personal estate, including their capital stock, not exceeding at any time, one hundred thousand dollars; and by the aforesaid name and style, may sue and be sued, contract and be contracted with; answer and be answered, defend and be defended, in all courts and places whatever; and also make, have and use, a common seal, and the same to break, alter, renew, or change at pleasure, and make all necessary by-laws and rules, for the government of the corporation, which the president and directors, or a majority of them, may from time to time, deem necessary and proper.

1831.

Company to
pass by-laws.

Sec. 4. *Be it further enacted*, That at elections for president and directors, and all other servants and agents, each share shall entitle the holder to one vote; but no person, who shall claim as assignee, shall vote until six months after the assignment; and shareholders may vote by proxy; but no individual shall vote more than ten shares as proxy, at any one election.

Number of
votes that
each share
shall entitle
the holder to.

No assignee
to vote, &c.

Sec. 5. *Be it further enacted*, That no person shall be eligible to the office of president or directors in said company, who shall not be a stockholder of at least two shares of the capital stock, in said company.

Number of
shares to entitle
the shareholders
to the office of president,
&c.

Sec. 6. *Be it further enacted*, That the said president and directors shall, by a rule or by-law, fix the rate at which the subscribers shall pay on their stock. *Provided, however*, That not more than ten per cent. on each share, shall be called for at any one time, and if any stockholder, shall fail to make payment, of all and every call made, it shall, and may be lawful, for the president and directors, to forfeit any or all shares on which the calls are not paid up; or at their discretion, to sue the subscribers, on their subscription or note, as the case may be; and the president and directors, may either release the forfeited shares to the use of said company, or re-sell them; and appropriate the money to such uses as they may think, for the benefit and advantage of the company.

Rate to be
fixed as to the
amount to be
paid on stock.

Sec. 7. *Be it further enacted*, That it shall be the duty of the president and directors of said company, to fix the route the said road shall take from Lexington, to the Kentucky river, and to enable them to do

Route of road
to be fixed by
the company.

1831.

Engineer, &c.
to be employ-
ed.

Proviso.

Power given
the company
to enter upon
the lands of
individuals.

Leave to be
obtained from
the proprie-
tors of land,
before they
remove ma-
terials for
constructing
road.

Company to
pay for stone,
&c.

Freeholders
to be selected
to ascertain
damages.

To take an
oath.

If proprietors
of land refuse
to let the road
pass, the pre-

so, to employ all necessary surveyors, agents and engineers, at the costs of the company; and after they shall have so fixed, or ascertained the general route or site of the road, to call a general meeting of the stockholders, and to submit to them a chart or map of the road for their approval, and if approved, to note such approval upon their books, and such shall be the general route of the road; but nothing herein contained, shall be so construed, as to prevent the president and directors, from changing or varying the site as expediency may require. *Provided*, Such variance from the site shall, in no case be more than one mile, without the consent of a majority of the stockholders, to be held for the purpose of deciding on the propriety of any such change or alterations.

Sec. 8. *Be it further enacted*, That it shall, and may be lawful for the president and directors by themselves, their agents, artists, engineers and servants, to enter upon the lands, over which the said road shall go, and all land contiguous, or near thereto, and to open and construct said road; and for that purpose, to take stone, timber, dirt, or other material off of the lands near, and adjoining to the said road. *Provided, however*, That before they shall do so, they shall have first obtained the leave, and consent of the owner; but if that consent be [not] obtained, then that they give notice to such owner, to choose three disinterested freeholders of the county, and the president and directors, shall choose two disinterested freeholders, and the five when so chosen, shall be authorized to say what the said company, shall pay for any stone, earth or gravel, or other materials, so taken to construct the road, and if the whole cannot agree, then the opinion of a majority shall give the verdict, shall be conclusive; and if the parties cannot, or the claimant will not agree to select five freeholders as aforesaid, to decide, then any justice of the peace, not being a stockholder, may summon five freeholders, to assess the value as aforesaid; the said valuers, shall before they act, take an oath, fairly and justly to assess to the owner or proprietor, the value of his property so taken or desired.

Sec. 9. *Be it further enacted*, That if any proprietor, through whose land the road passes, shall be dissatisfied, or not give his assent for the road to pass, or run through his lands, it shall be the duty of the pre-

sident and directors of said company, to apply to a justice of the peace of the county, for a warrant, directed to a sheriff or constable of the county, to summon twelve housekeepers of the county, not stockholders, to hold an inquest on the premises, on a day to be fixed in the warrant; and on the receipt of such warrant, it shall be the duty of the sheriff to summon twelve jurors, to appear at the time and place, stated in the warrant, and to give to the defendant, notice of the meeting of the jury, at least three days; and it shall be the duty of the justice and said officer to attend on the day, and at the place, and the justice, shall administer an oath to the jury, to faithfully decide and say what damages will result to the proprietor or proprietors, from the construction of the road, and on the jury returning their verdict, to enter judgment, it shall moreover, be the duty of the justice, to make as nearly as he can conveniently, a journal of the trial, of the contest, and the extent of road, for which damages are assessed; either party may, in three days traverse the finding of the jury; but if no traverse is filed within that time, the finding to be conclusive on both parties. On a traverse being filed, it shall be the duty of the justice, to forthwith return the inquest to the circuit court of the county of Fayette, and the said court, shall immediately after the criminal suits, (if any) are disposed of, take up said traverse, on its return into court, or so soon thereafter as practicable, and cause a jury to pass between the parties, but may grant continuances and new trials, as in other cases; on the finding of a jury, satisfactory to the judge, he shall give judgment in favor of the proprietor, against the company for the damages assessed, and costs, or if no damages are assessed, then give costs against the proprietor; but in no case shall the judgment be given, for more costs than damages to the proprietor. *Provided, however,* That in all cases where a jury shall be called to assess damages they shall take into consideration the advantages that will result to the proprietor, as well as disadvantages or injury, and set off the advantages against the injury that may result.

Sec. 10. *Be it further enacted,* That after the said road shall be opened, it shall not be lawful for the county court or any other body corporate, or politic whatever, to open or cause to be opened, any collat-

1831.

sident to apply to a justice of the peace for a warrant, &c. Sheriff or constable's duty.

Defendant to have notice.

Justice to keep a record.

Either party may traverse the verdict.

Inquest to be returned to the court of Fayette.

Judge to give judgment.

Provido.

No road to be opened within less than one mile of said turnpike.

1831. **ral public road or roads, from Lexington, to the Kentucky river, running within one mile of the turnpike road aforesaid, and all and every such road now made, shall be discontinued, so soon as the turnpike road shall be opened. *Provided, however,* That nothing in this act shall be so construed, as to prevent the county court of Fayette county, from opening a road or roads, leading from said turnpike road, to other points or places in the county: *And be it further provided,* That such roads do not terminate within less than one mile of either end of said turnpike road.**

Proviso.

Company to
construct
bridges.

Width of road

Sec. 11. *Be it further enacted,* That so soon as the said company, shall have power to erect permanent bridges over all creeks or runs, over which the road shall pass, where the same shall be necessary, and shall cause a road, fifty feet in width, to be laid out and graduated, from the town of Lexington, to the Kentucky, throughout the whole distance, except on the Kentucky cliffs, where the road shall be at least twenty-five feet wide, and shall cause at least fifteen feet of said road, to be laid at least nine inches thick, with small stones or rocks, broken and laid after the M^{rs} Adams plan, the whole extent of the road.

Side road.

Sec. 12. *Be it further enacted,* That it shall be the duty of the commissioners, to keep a way or tract on each side of the centre, or stone way, smooth and well graduated, at least fifteen feet wide, and at all times, to keep the said road, or so much thereof, as they toll, in good repair.

When five
miles of said
road are com-
pleted, gates
to be erected.

Sec. 13. *Be it further enacted,* That when the said president and directors, shall have completed any distance of said road, not less than five miles, they may, from time to time, give notice thereof, to the circuit court of Fayette county, and on such notice being entered of record, the said judge shall appoint three fit and discreet persons, commissioners, whose duty it shall be, to inspect said road, or so much thereof, as shall be completed; and if it shall be their opinion, that the road, or any five miles of it, at one part, is completed according to this act, their report shall be recorded in the said circuit court, and the judge shall enter of record, how many gates the company may erect, whereupon it shall be lawful, for the company to erect a toll-gate, for every five miles of turnpike road, they have so completed, at any one time, at such

places, as to them may seem most eligible. *Provided,* 1831.
That no gate shall be erected nearer to the town of
Lexington than two miles, and that no two other gates,
shall be nearer each other, than four miles. *Proviso.*

Sec. 14. *Be it further enacted,* That when the said
president and directors, shall have so completed and
constructed the said road, and erected a toll-gate or
gates thereon, it shall and may be lawful for them to
appoint as many toll-gatherers, as they may deem requi-
site, and to ask, demand and receive from every per-
son using said road, at each toll-gate, the following
tolls, to-wit: for every twenty head of sheep, hogs or
other small stock, six and a fourth cents, and in that
proportion for a greater or less number; for every ten
head of cattle, six and a fourth cents, and so in pro-
portion for a greater or less number; for every horse,
mule, ass, or other four footed animal, not specified,
four cents; for every two wheel pleasure carriage,
eight cents, exclusive of the beasts by which it is
drawn, and the person transported by it; for every four
wheel pleasure carriage, sixteen cents, exclusive of
the beasts by which it is drawn, and the person trans-
ported; for every cart or other carriage of burthen,
whose wheels do not exceed three inches in width,
twenty-five cents; for every such carriage, whose
width shall exceed three, but not more than six inches
in width, twenty cents; for every such carriage of
burthen, whose wheels shall exceed six inches in
width, ten cents, exclusive of the beasts by which
they are drawn; for every person, two cents. *Toll-gather-
ers and the
rates of toll.*

Sec. 15. *Be it further enacted,* That if any person own-
ing, riding in, or driving any carriage of burthen or
pleasure, as aforesaid, or owning or driving any hogs,
sheep or cattle, or riding or driving any horse, ass,
mule, or other animal or thing, for which a toll is col-
lected, shall attempt to evade the payment of any tolls
or duties aforesaid, by passing through any private
gate or gates, or along or over any private pass way,
or shall, by any other device or ways, defraud or at-
tempt to defraud the company of the tax or tolls which
should be paid, every person so offending, shall forfeit
and pay over and above the tolls, to the president and
directors of said company, for every offence, a sum
not less than one dollar, nor more than ten dollars, to
be sued for and recovered before any justice of the *Penalty for
evading the
payment of
toll.*

1831.

If road be out
of repair the
gate to be
opened.

peace, of the county of Fayette, subject to the same proceedings as debts of like amount are.

Sec. 16. *Be it further enacted*, That if the president and directors of said company, shall permit the said road or any part of it, over which a gate shall be erected, and for which tolls are demanded, to go into disrepair, for the space of ten days, it shall and may be lawful for any justice of the peace, of the county of Fayette, with or without information, to issue his warrant to any constable of the county, commanding him to summon five freeholders of said county of Fayette, to attend at some place, to be stated in the warrant, and also to summon the president and directors of said company, to appear at the time and place; and the justice shall swear said freeholders, to well and truly enquire, if said turnpike road is in the repair and condition required by law, and if the freeholders or a majority of them, shall return a verdict, that said road is not kept in repair, required by this act, then it shall be the duty of the justice, to issue warrant to any constable of his county, to throw open the gate or gates, over all and each part of said road, so found to be out of repair; and it shall not be lawful for said president and directors, their agents or servants, to demand or receive any fees or tolls, at any gate so directed to be opened, until the said freeholders, or five other freeholders of the county shall, under their hands and seals, certify that said road is put in complete repair, over which the gate stood, and for which tolls were demanded, which certificate, shall also be verified by the signers, a copy of which, shall also be left with the justice ordering the gates to be opened, and be by him carefully preserved; and if said company shall fail to repair the road, and obtain such certificate of the freeholders aforesaid, for twelve months after such inquest, upon a proper writ sued out of the circuit court, said court, unless a reasonable excuse for such neglect, shall be shewn, shall have power and authority to vacate the charter of the company, and all the privileges and immunities hereby granted to the company, shall cease and determine, and shall, without office found, vest in the Commonwealth; but such judgment of the circuit court, shall be subject to the revision of the court of appeals, as in like cases; and the said president, directors and company, shall,

If out of repair twelve
months charter
forfeited.

from time to time, be liable to the presentment of a grand jury, for a failure to keep the road in repair, or to perform the duties prescribed by this act, in the same manner, and liable to the same fines, that overseers of the highways are or shall be, for failing to keep in repair, in said county. 1831.

Sec. 17. *Be it further enacted*, That if it shall appear, on experiment, that a larger sum than fifty thousand dollars, will be required to complete said road, that the president and directors, after having duly advertised for a meeting of the shareholders, and on a meeting of the stockholders, it shall be lawful for the said company, to increase the original stock of the company, any sum not exceeding thirty thousand dollars, and to open their books and receive subscriptions for the same, as is provided for in this act; the president and directors, by themselves or agents, attending to the subscription and collection of stock. Capital stock may be increased.

Sec. 18. *Be it further enacted*, That the president and directors, shall keep books and records of their proceedings, and a fair account of all the receipts and expenditures of the company, which shall, at all times, be open to the inspection of any stockholder, and be laid before the shareholders, at their general meetings; and shall, from time to time, declare dividends, agreeably to the by-laws of the company; the president and directors shall severally, before they proceed to act, take an oath, to faithfully discharge the duties enjoined on him; and shall hold his office one year from the time of their election, and until successors shall be elected and qualified; but the company shall have the power to pass by-laws, defining the duties and duration of the office of president and directors, as well as their duties, and also fix days and places for their annual or general elections; but a failure to make an election, according to such by-laws or this act, at the time and place provided for, shall not prevent an election thereafter, of the officers aforesaid, by a majority of the stockholders, in amount of shares; and in all cases of elections, a majority of the stockshares shall be required, and not of the persons composing said company. President and directors to record the proceedings. Declare dividends. Take an oath. Company may pass laws defining their duties, &c.

Sec. 19. *Be it further enacted*, That if any person shall wilfully break, deface, pull down or prostrate any mile stone or post, which the company may erect or If no election is held at the time appointed, it may be held afterwards. Penalty for defacing mile posts, &c.

1831. set up, on the side of said road, or shall break or tear down any sign board, or obliterate any letters or figures thereon, or tear down or obliterate the rates of toll set up on or near any turnpike gate; any person so offending shall, for each and every such offence, forfeit and pay any sum not less than one dollar, nor more than ten dollars, to be sued for and recovered as other sums are, before any justice of the peace of the county.

Persons to
pass on the
right.

Sec. 20. *Be it further enacted,* That any person or persons riding or driving carriages on said road, shall pass others, passing or travelling on the road, shall keep to the right; and if any person, shall fail to do so, such person so offending, shall be liable to the person injured, for all damages sustained, and a fine not more than five dollars, to be recovered before any justice of the peace as aforesaid.

Penalty for
taking greater
tolls than
allowed by
law.

Sec. 21. *Be it further enacted,* That if any toll-gatherer or other, shall demand, take or receive from any one using said road, a greater toll than is provided for in this act, the person so offending, for every such offence, besides being liable to the suit of the party, shall forfeit to the party injured, or any other who will sue for the same, ten dollars, to be recovered before any justice of the peace as before directed.

Prosecution
to be com-
menced in
six months.

Sec. 22. *Be it further enacted,* That all prosecutions under this act, shall and may be prosecuted at any time within six months after the offence was committed and not afterwards.

To commence
the work in 3
years, and
complete it in
ten.

Sec. 23. *Be it further enacted,* That the said company, shall have the period of three years, to commence, and ten years to complete said road.

Road to be
graduated.

Sec. 24. *Be it further enacted,* "That the ground over which said road shall pass, shall be leveled so, that when completed, the elevation, at no place, (except the Kentucky clift,) shall exceed an elevation of seven degrees.

County court
of Fayette
and trustees
of Lexington,
may subscribe
stock.

Sec. 25. *Be it further enacted,* That the county court of Fayette, and the trustees of the town of Lexington, may severally, on the part of the town and county, subscribe and pay for shares in said capital stock; but no such subscription, shall be made on the part of the county, until a majority of all the justices of the county, being present, said court shall direct such subscription to be made; nor shall any subscrip-

tion be made on the part of the town, until the board of trustees, at which a majority of the trustees shall be present, shall order the subscription to be made.

1831.

Sec. 26. *Be it further enacted*, That the said company shall have the exclusive right to lay a rail road on or within one mile of said tract, leading from Lexington to the point where the above road shall strike the Kentucky river, for and during the space of twenty years. *Provided*, The company shall, in all things conform to this act in constructing said road, within the period above specified, or such other periods as the Legislature may accord to said company.

Company to have the right of a rail way.

Sec. 27. *Be it further enacted*, That in addition to the privileges given as aforesaid, the said company may and shall have power and authority, to acquire at any one or more places, on said road, or its termination, any quantity of lands not exceeding thirty acres, for the purpose of erecting ware houses, coal houses, and lumber yards, and the erection of saw and other mills, to be held to them and their successors in office.

Company may hold lands for ware houses. &c.

Sec. 28. *Be it further enacted*, That stock in the capital stock of said company, may pass by assignment, under such rules as the president and directors shall prescribe.

Stock how assigned.

Sec. 29. *Be it further enacted*, That nothing in this act, shall be so construed, as to impose toll-fees upon the owners of lands, through which said road shall pass, their horses, cattle, carriages or servants passing on said road, from one part of their farm to another, or to impose toll-fees upon *venire* men and grand jurors, passing to and from the court to which they are summoned; but all such persons shall be at liberty to use such road, and to pass the gates thereof, during their ownership or attendance on the court, for the purpose aforesaid; nor shall any tolls be imposed upon citizens of the county, while going to and returning from the general elections of said county, nor upon citizens going to and returning from any muster, in pursuance of their duty, to attend muster, but all such persons with their horses or vehicle on which they ride, shall pass free of toll.

Persons exempted from paying toll.

1831.

CHAP. DLXVII.

AN ACT for the benefit of the administrator of Barnett Rodgers, of Boone County.

Approved, January 15, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the administrator of Barnett Rodgers, to deliver to the keeper of the arsenal at Frankfort, on or before the first day of April next, fifty-six stand of arms, which were issued to the said Rodgers, in his lifetime, as captain of a light infantry company; and upon his obtaining the receipt of said keeper, the said administrator shall be released from any liability, for the loss of four muskets, which have been destroyed by fire or otherwise, or any damage which may have accrued to any of the aforesaid stand of arms.

CHAP. DLXVIII.

AN ACT to provide for the improvement of the road from the Estill County line, by way of Perry Court House, to the Virginia state line.

Approved, January 15, 1831.

County court of Perry authorized to sell the seminary lands, to improve a certain road.

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the County court of Perry, shall have the power, if to them it shall seem proper, to make sale of the Seminary Lands of said county, that have not already been sold, and apply the proceeds thereof, to the opening of a road from the Estill county line, by way of Perry court house, to the Virginia state line.

To appoint commissioners to view and mark the way for a road.

Sec. 2. Be it further enacted, That the county court of Perry, are hereby authorized, at the first convenient term, after the passage of this act, to appoint commissioners, to survey and mark the said road; and it shall be the duty of said commissioners, to survey and mark the same, on the most direct and suitable ground, from the county line of Estill to the Virginia state line, passing through the county seat of Perry.

Funds of said seminary also

Sec. 3. Be it further enacted, That the funds and resources of the Perry seminary, now in the hands of the trustees thereof, be, and the same are hereby ap-

propriated to the opening and improvement of the road, mentioned in the first section of this act. The county court of Perry, are authorized to cause a settlement to be made, with the trustees of said seminary; and it shall be the duty of the trustees, if, on said settlement, it should appear, that any of the funds of said seminary, remain in their hands undisposed of, to pay the same over to the said county court; and it shall be the duty of the said court, to make a record on their books of the said settlement, specifying the amount paid over by the said trustees, and the reception of the same by the court.

1831.

appropriated to the same purpose.

To make a settlement with the trustees of the seminary.

Sec. 4. *Be it further enacted*, That the Register of the land office be, and he is hereby authorized and required, to issue land warrants, in the name of the county court of Perry, without fee therefor, for ten thousand acres of land, to be appropriated within the county of Perry.

10,000 acres of land warrants also appropriated to the same object.

Sec. 5. *Be it further enacted*, That the said county court of Perry, is hereby authorized to locate, survey, carry into grant and sell ten thousand acres of vacant land, within the county aforesaid, and apply the proceeds or money arising from the sales thereof, to improving the said road, mentioned in the first section of this act; and the Register of the land office is required to issue patents therefor, upon the return of the plat or plats, and certificates of survey or surveys, immediately, to the county court of Perry, or their assigns, without fee therefor.

To be located and patented by said county court.

Sec. 6. *Be it further enacted*, That it shall be lawful for the county court of Perry, to appoint an agent or agents to superintend the location of said lands, and make any transfer or assignment, appertaining thereto; and if the court should deem proper, to authorize him to apply the proceeds of the sales of said land, to the purposes contemplated by this act, as the said court may, from time to time, direct, the said agent shall give bond, with good security, for the faithful performance of his duty.

County court may appoint an agent to transact the business.

Sec. 7. *Be it further enacted*, That the act to authorize the sale of the seminary lands of Perry, approved, January 29, 1830, be, and the same is hereby repealed.

Act of January, 1830, repealed.

Sec. 8. *Be it further enacted*, That the Register of the land office, be directed to issue without fee, two

\$200 in land warrants, ap-

1831.

appropriated to
improve the
road from
mouth of
Straight
creek to Red
Bird salt
works.

Agent to give
bond and se-
curity.

Locations of
the warrants
confined to
Clay and
Harlan.

\$200 in land
warrants, ap-
propriated to
improve the
road from
Clover fork
to its head.

Comm'rs ap-
pointed to
make the im-
provement.

To give bond
and security.

Their allow-
ance.

Location of
the warrants
confined to
Harlan coun-
ty.

hundred dollars worth of land warrants, in the name of John Hendrickson, for the purpose of improving the road from the mouth of Straight creek, to the Red Bird salt works. The said John Hendrickson, is hereby appointed commissioner, to appropriate the said warrants for the improvement of the aforesaid road; who shall be allowed for every day he may necessarily be employed, in the discharge of his duties, the sum of fifty cents; and before he enters on the discharge of his duties, he shall enter into bond, in the Harlan county court, for the faithful performance of his duties, in the sum of five hundred dollars, with one or more good and sufficient securities; which bond shall be made payable to the Commonwealth, and may be put in suit for a breach of its conditions.

Sec. 9. *Be it further enacted*, That upon the assignment of any plat and certificate of survey, made by virtue of any of said warrants, the Register shall issue a patent without fee, in favour of the assignee for the land embraced in said survey. *Provided*, No survey shall be made, by virtue of any of said warrants, except in the county of Clay or Harlan.

Sec. 10. *Be it further enacted*, That the Register of the land office, be, and is hereby directed, to issue without fee, two hundred dollars worth of land warrants, in the name of Jonathan Kelly and Balies Shewmate, to be applied to the improvement of the road, from the mouth of Clover fork, to its head.

Sec. 11. *Be it further enacted*, That the said Kelly and Shewmate, are hereby appointed commissioners, for the purpose of appropriating the said land warrants, to the improvement of said road; who, before they enter on the discharge of their duties, shall enter into bond, in the Harlan county court, payable to the Commonwealth, in the sum of five hundred dollars, for a faithful discharge of their duties; which said bond may, from time to time, be put in suit for a breach of its conditions. And said commissioners, shall be allowed the sum of fifty cents each, per day, for every day they may be employed in the discharge of their duties.

Sec. 12. *Be it further enacted*, That upon the assignment, by the said commissioners, of any plat and certificate of survey, made by virtue of any of the aforesaid warrants, the Register shall issue a patent in

the name of the assignee without fee, for the land embraced in the survey. *Provided*, The same are made in the county of Harlan; but not otherwise.

1831.

Sec. 13. *Be it further enacted*, That the county court of Harlan, shall have power and authority to cause the said commissioners, to report to them their proceedings under this act; and shall have power to remove any one of them for any mismanagement in the disposition of the said warrants, a majority of all the justices, being present, and concurring in said removal, and said commissioners, having had ten days notice of any application for their removal.

County court of Harlan to have a general superintendence of the improvements, and may remove commissioners.

CHAP. DLXIX.

AN ACT to amend an act, entitled "an act to constitute a Board of Internal Improvement, for Shelby County; approved, January 29, 1830."

Approved, January 15, 1831.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the seventh section of an act, entitled "an act to constitute a board of internal improvement for Shelby county; approved, January 29, 1830," shall be, and the same is hereby repealed.

Seventh section of original act repealed.

Sec. 2. *Be it further enacted*, That the board of internal improvement for Shelby county, shall, from and after the passage of this act, consist of five members and no more; and that, from the first day of April, 1831, the following persons shall compose said board, viz: Samuel Tevis, James Bradshaw, Joseph M. Venable, John Cowan and John N. Lyle, who shall continue in office, for and during the term of one year, from the said period, and have power to fill, by a vote of the majority, all vacancies that may occur in said board, during said term. *Provided, however*, That each member of said board shall, before he enters upon the duties thereof, go before some justice of the peace, and take the following oath or affirmation, to-wit: "I do solemnly swear (or affirm,) that I will faithfully discharge the duties of a member of the board of internal improvement for Shelby county, according to law, and to the best of my skill and ability, without partiality or prejudice."

Board to consist of five members, to continue in office one year; oath of office prescribed.

1831.

Majority,
quorum to do
business, to
appoint offi-
cers and pre-
scribe their
duties.

Sec. 3. *Be it further enacted*, That a majority of said board shall constitute a quorum to transact business; and it shall be their duty to appoint a secretary, collector and treasurer, together with such other officers as they may deem necessary, and to prescribe their duties and responsibilities. *Provided, however*, That the treasurer and collector, before entering upon their respective duties, shall be required to execute bond, with sufficient security, conditioned for the faithful performance of their several undertakings.

To keep a
register of
their transac-
tions: to de-
termine the
time, manner
and propor-
tions, in
which sub-
scribers shall
pay in their
subscriptions.

Sec. 4. *Be it further enacted*, That it shall be the duty of said board, to enter and keep in a book, a fair register of all their transactions; and they shall have power to employ all such artists and agents, as they may think proper and necessary, and to agree upon and fix their salaries or wages; to ascertain and regulate the terms and conditions, upon which subscriptions for stock shall be made; also, the time, manner and proportions, in which stockholders and subscribers shall pay in the same; to draw orders upon the treasurer for all sums necessary to pay any contracts by them made, in the prosecution of their work, which said orders, after being signed by the chairman of the board, shall be entered in the book of minutes, by them herein before required to be kept.

Mode pointed
out in which
the board
must proceed
to survey any
proposed
route.

Sec. 5. *Be it further enacted*, That the said board shall have power (under the restrictions hereinafter mentioned) to determine, fix and locate the route, over which the said road or any part thereof, shall pass. And when they shall deem it expedient, to examine and survey any proposed route, over and through premises and enclosures, the private property of any person or persons, they shall give to such person or persons, if residents of this Commonwealth, and if non-residents, *femes covert*, or infants, to their agents, husbands or guardians, ten days previous notice, in writing, of their intention to examine and survey said proposed route, and request their assent thereto; at the same time, in said notice, informing said person or persons, that if said assent is withheld, they will (as hereinafter provided for) call upon viewers to assess the damages arising from said survey; and in the event of said person or persons withholding their assent, the said board shall call upon two disinterested house-keepers, who, (being first duly sworn) shall decide

upon the amount of damage, if any, which will be sustained by said person or persons, from the proposed examination and survey of their premises.

1831.

Sec. 6. *Be it further enacted*, That provided the said board shall, within ten days after the finding of the said viewers, elect to pay, and actually pay or tender to the said person or persons, in favor of whom the same has been assessed, the amount so determined and found to be due, they shall be, and are hereby authorized and empowered, to enter into the lands and enclosures of the said person or persons; and survey and examine the ground, stone, gravel, quarries and other materials, which they may deem suitable and necessary, for the location and construction of said proposed road.

Not to enter premises until damages have been paid or tendered.

Sec. 7. *Be it further enacted*, That after any survey and examination has been made, in conformity with the provisions of the fifth and sixth sections of this act, if the said board shall elect to construct the turnpike on said route, they shall give to the proprietor or proprietors thereof, if residents, and if non-residents, *femes covert*, or infants, to their agents, husbands or guardians, three days notice in writing, of their decision thereon, and request their assent to the same; but, provided the assent so requested, be refused or withheld, then, and in that event, the said board may apply to any justice of the peace, in the county of Shelby, for a writ, in the nature of a writ of *ad quod damnum*, and the said justice shall be, and is hereby authorized and required to issue said writ, directed to any constable of Shelby county, commanding him to summon twelve discreet and disinterested housekeepers of the vicinage, to meet at some certain place on the ground over which the said survey has been made, and at the time mentioned in said writ.

Mode of proceeding to obtain possession of the soil.

Sec. 8. *Be it further enacted*, That it shall be the duty of some justice of the peace for the county of Shelby, to attend at the time and place mentioned in said writ, and conduct and preside over said inquest; and upon being satisfied by proper evidence, that the proprietor or proprietors of the land in question, if residents, and if non-residents, *femes covert*, or infants, their agents, husbands, or guardians, have had ten days notice in writing of the said proposed inquest, together with the time and place of holding the same, he, the

Justice of the peace to conduct the trial; oath to be administered to jurors.

1831.

said justice (extending to the parties the common law-right of challenge,) shall administer to such jurors as may be elected, the following oath: "You and each of you, do solemnly swear (or affirm,) that you will impartially, and to the best of your skill and judgment, view the land proposed to be appropriated to the use of the board of internal improvement for Shelby county; and taking into view the advantages as well as the disadvantages to the defendant, ascertain the damage which said defendant will sustain thereby."

Duty of the justice, his fees, and fees of the constable.

Sec. 9. *Be it further enacted*, That the said jury shall return their verdict in writing to the said justice of the peace, whose duty it shall be to keep a record of said proceedings in the same manner as he does other judicial proceedings held before him; and he shall receive for his services therein, the following fees, to-wit: for issuing the writ, twenty-five cents, and for presiding over said trial and making the record aforesaid, seventy-five cents, and the constable shall receive the same fees, that are now allowed by law to sheriffs in cases of forcible entry and detainer; and the said fees shall be taxed as other fees, and collected off of the said board of internal improvement.

Board may elect to pay damages, or abandon the route; not to enter until damages paid or tendered.

Sec. 10. *Be it further enacted*, That provided the said jury shall find any damages against the said board, they may elect either to pay the same or to abandon the said proposed route, and if they shall, within twenty days after the finding of the said jury, elect to pay the said damages, and actually pay or tender the same, they shall thereupon be, and are hereby authorized and empowered to open, enter upon, and take possession of the same, and use the same for the purpose of constructing the said turnpike road.

Proceedings, for the purpose observation, to be according to 5th & 6th sections; for the purpose occupation, according to 7th and 8th sections.

Sec. 11. *Be it further enacted*, That all examinations and surveys made by said board, for the purpose of obtaining information touching any proposed location of said road, or the procurement of materials for the construction of the same, shall be conducted according to the provisions contained in the fifth and sixth sections of this act; and all proceedings by said board had, with a view of acquiring possession and use of soil, either as a foundation for said turnpike, or as a source of supply of materials for the construction thereof, shall be conducted in conformity with the provisions and requisitions of the seventh and eight sections of this act.

Sec. 12. *Be it further enacted*, That the said board, shall in no case (without the consent of the owner in writing first obtained) institute any proceeding under this act, the object of which is, to acquire the occupation and control of the soil until they shall have first examined, surveyed, and distinctly ascertained, and marked out, the extent and boundary of such contemplated possession. But after having made said survey, they may thereupon proceed, according to the provisions of this act, to acquire and take possession thereof, and use the same in any manner they may think proper towards the construction of said road, the artificial part whereof, shall be at least eighteen feet in width, composed of gravel or pounded stone, laid upon a smooth and well graded foundation, and constructed upon the best and most approved plan; which said road, when completed shall at no point be of greater elevation than five degrees.

1831.

Survey all-ways to precede any attempt to procure possession

Width, elevation, &c. of road.

Sec. 13. *Be it further enacted*, That whenever the said board shall have completed any portion of said road, not less than five miles, they shall notify the Governor thereof, who shall thereupon, nominate three judicious persons to examine the same and report to him whether said road is executed in a workmanlike manner, and in conformity with the requisitions of this act; and upon the said persons reporting in favor of said board, the Governor shall by license from under his hand, the seal of the Commonwealth, authorize the said board to erect a toll-gate across that part of said road, and collect the tolls or rates hereinafter specified. *Provided, however*, That no gate shall be erected within one mile of any town, unless expressly permitted by law.

Governor to have road examined.

To license erection of toll-gates.

No gate within one mile of any town.

Sec. 14. *Be it further enacted*, That as soon as the said board, in conformity with the foregoing provisions, shall have erected a gate, they shall be, and are hereby authorized and empowered to appoint a toll-gatherer, whose duties and liabilities they shall from time to time prescribe, by their by-laws and ordinances; and the said gate keeper and toll-gatherer, by the said board appointed, shall have all the power and privileges which are conferred upon "toll-gatherers" by the fifteenth section of the "act to incorporate the Lexington and Frankfort turnpike or rail road company, approved, February 7th, 1828," and shall col-

Board may appoint gate keepers and prescribe their duties.

Powers of gate keepers, rates of toll, &c.

1831. lect and receive the same rate of tolls in said section specified and authorized to be collected.

Persons evading the payment of tolls, to forfeit and pay \$10.

Sec. 15. *Be it further enacted*, That if any person or persons, riding in or driving any carriage of freight or pleasure, or riding, leading, or driving any horse or mule, or driving any description of stock, shall, with intent to defraud the said board, or evade the payment of tolls, pass through any private gate, bars or fence, or over any ground along or near said turnpike, or the gate thereon erected, or if any person or persons shall practice any artifice or device, with the intention of evading or lessening the tolls fairly due from him, her or them, each and every person so offending shall, for every such offence, forfeit and pay, to the board of internal improvement, for Shelby county, the sum of ten dollars, to be sued for, and recovered with costs of suit, before any justice of the peace in the county of Shelby, as other debts of equal amount are by law recoverable.

Board to keep accounts, declare dividends, and report to the legislature.

Sec. 16. *Be it further enacted*, That the said board shall keep a full and fair account of their receipts and expenditures; and shall, moreover, annually, in the month of November, make out a complete and perfect account thereof, exhibiting the net profits of the stock in said road, a dividend of which, shall be declared and made among the several stockholders, and the said stockholders notified of the time and place, when and where the same will be paid; all of which shall be reported by the said board to the General Assembly, at each regular session thereof.

Board to erect indexes, mile posts, &c.

Sec. 17. *Be it further enacted*, That the said board shall erect posts, with suitable indexes, at the intersection of said turnpike by other roads, and cause mile stones to be placed along the sides of the said road; and also, cause to be affixed on the gates, a printed list of the rates of toll, and shall moreover, keep the said road in good repair: And, *provided*, the said board shall permit the said road to get so much out of order, that travelling or transportation over the same, shall be, for the space of twenty-four hours, in any degree impeded or obstructed thereby, it shall be competent for any person to give information thereof, to any two justices of the peace, for the county of Shelby; which said justices, shall thereupon issue a precept, to be directed to any constable, commanding him to sum-

Proceedings in case said road is out of repair.

1831.

among five disinterested housekeepers, (to be named by said justices in said precept) to meet at a certain time, on that part of the road complained of, of which meeting, the gate-keeper, within whose precinct the alleged defect exists, shall have one day's notice; and the said justices shall swear the said housekeepers, to examine said road, and determine and find whether the same is or is not in good repair; which inquisition shall be returned to the said justices, under the hands and seals of the said housekeepers: And, *provided*, the said housekeepers shall find said road to be out of repair, according to the true meaning of this act, a copy of such inquisition or finding, shall be given to the keeper of the gate, within whose precinct or division of the road, the said defective part is situated, who shall thereupon be required to throw open his gate, and keep the same open, and free of tolls, until he has obtained the certificate of the said viewers or housekeepers, or a majority of them, that the said defect is repaired, and the road in good order, and that he has paid and satisfied the costs of said proceeding, which shall be as follows, to-wit: to each of said justices, fifty cents, and to the constable, one dollar.

Sec. 18. *Be it further enacted*, That the said board shall, in the month of March, in the year 1832, fix upon a day for the election of their successors in office, and advertise the same in some public newspaper, in the town of Shelbyville, requesting the stockholders to meet and choose suitable persons, to fill said board; and it shall be lawful for each stockholder, to give one vote for each share by him held, free from all arrears or calls unpaid, for the five candidates he may desire to elect; and the Governor, as the representative of the interest of the state, and the county court of Shelby, as the representatives of the interest of said county, may, by written authority, constitute a proxy, to vote for them or either of them, in said elections; which shall, in like manner, take place in the month of March, in every successive year.

How succession to be kept up in the board.

Sec. 19. *Be it further enacted*, That the Governor shall be, and is hereby authorized and empowered, in addition to the stock already taken, on the behalf of the state, to subscribe for one hundred and fifty shares of stock in said road. The whole to be paid for, in the manner and upon the terms in the sixth section of

Governor to subscribe for 150 shares more of stock.

1831. the original act, to which this is intended as an amendment, excepting, that instead of one dollar for every three actually paid in by other stockholders, the Treasurer shall pay in one dollar for every dollar actually paid in by other stockholders.

CHAP. DLXX.

AN ACT to authorize the trustees of the Woodford Academy, to make sale of certain property.

Approved, January 15, 1831.

Members added to the board of trustees. SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That David Thornton, John R. McFarland and Barnet Giltner, be, and they are hereby added to the board of trustees of the Woodford Academy, and that the trustees of said academy, shall have power to fill any vacancy that may occur in said board.

Trustees authorized to sell certain property belonging to the institution. SEC. 2. *Be it further enacted*, That the said board of trustees, a majority of them concurring therein, are hereby authorized and empowered to sell and convey the lot or lots of ground, and appurtenances in the town of Versailles, and all lands and other property belonging to the said academy, upon such terms and conditions as they, in their judgment, may deem most beneficial to said academy; and the proceeds thereof, to be applied to the purchase of a suitable site, with or without improvements, for the use and benefit of said academy.

To give bond and security. SEC. 3. *Be it further enacted*, That the said trustees shall, before they proceed to make sale of said property, enter into bond, in the county court of Woodford, in such reasonable penalty, as they may require, for the faithful disposition of the proceeds of said sale.

CHAP. DLXXI.

AN ACT to incorporate the Frankfort and Lexington Turnpike Road Company.

Approved, January 15, 1831.

Preamble. WHEREAS, it is represented to the present General Assembly, that many citizens of this Common-

wealth, are desirous of constructing an artificial or turnpike road, from the town of Frankfort, to that of Lexington, the effecting of which purpose would tend greatly to promote the interest and prosperity of the adjacent country, as well as that of the community: Therefore,

1831.

Sec. 1. *Be it enacted*, That John J. Crittenden, Samuel P. Weisiger, Churchill Samuel, Ambrose W. Dudley, Ezra Richmond, Benjamin Taylor, Henry Payne, Richard Cole, Thomas Boswell, Samuel Pilkington, and John Norton, be, and they are hereby appointed commissioners, with power and authority, forthwith to open subscriptions for stock in the proposed company, at such times and places as they may think fit; and to receive from individuals as well as bodies corporate, or the trustees of any public institution in the Commonwealth, subscriptions in such form, and on such conditions as they may devise, for securing the faithful, punctual payment of the amount of respective shares of the capital stock of the said institution as may be subscribed, as the said commissioners or a majority of them may direct.

Commissioners appointed to receive subscriptions for stock.

Sec. 2. *And be it further enacted*, That the shares in the said capital stock, shall consist of fifty dollars for each share, and shall be subscribed for, in entire shares; and that each share so taken and held, shall entitle the owner thereof, to one vote in all elections of officers, and in the decision of all questions in which the stockholders shall be entitled to vote by this act of incorporation; and that such stock, shall be transferable according to the rules and regulations which may be adopted by the president and managers for that purpose.

Amount of shares, and the method of voting.

Stock may be transferred.

Sec. 3. *Be it further enacted*, That as soon as four hundred shares of the capital stock of the proposed institution shall have been subscribed, the commissioners aforesaid, shall cause a meeting of the shareholders to be called, by advertising the time and place at which the proposed meeting will be held, in one newspaper, published in the town of Frankfort and Lexington, for four weeks in succession, at which meeting, a majority of the stockholders attending, may proceed to elect a president and eight managers, for the conducting the affairs of the proposed company, who shall continue in office for the term of one year, from the time

Commissioners to call a meeting of the stockholders for the election of officers, when 400 shares are subscribed.

1831.

of their election, and until their successors in office shall be duly elected, in conformity with the regulations which may be adopted for that purpose.

Declared an
incorporation
with the usual
powers.

Sec. 4. *And be it further enacted,* That upon the election of president and managers of the said company as aforesaid, the members thereof who shall be holders of the stock in the said institution, shall be thenceforth taken and held as an incorporated body, and in the name and style of the "Frankfort and Lexington Turnpike Road Company;" and in that name, shall be held capable in law to contract, to sue and be sued, to plead and be impleaded, to make and use a common seal, and to do all such other things in relation to the objects and purposes of their incorporation, as shall be compatible with the constitution and laws of the Commonwealth.

Company au-
thorized to
construct a
turnpike road
from Frank-
fort to Lex-
ington.

Sec. 5. *And be it further enacted,* That the president and managers, so to be elected, shall proceed to select a site for the proposed road, on the nearest and most practicable route to be found, which will, in the opinion of the said board, combine in the highest degree the benefit and advantage of the citizens of the adjacent country and of the community at large, and with a due regard to the interest of the company; and having caused such road to be properly marked out and designated, they may proceed, having first obtained by contract, or otherwise, the consent and agreement of the owners of the land through which the road is passed, or caused the damage accruing to result to such proprietors from the construction of the road to be assessed on writs of "*ad quod damnum*," according to law, and made due compensation thereof to the construction of a turnpike road, on the M^r Adams plan, of such width and dimensions, and of such materials and workmanship, as to ensure the safe and speedy transportation by wagons, and other carriages, and other facilities of travelling thereon.

And erect
toll-gates for
every five
miles of which
the road shall
be completed.

Sec. 6. *Be it further enacted,* That whenever the distance of five miles on any one point of the said proposed road shall have been completely finished, it shall and may be lawful for the said president and managers, to cause a turnpike gate to be erected, and to proceed to the imposition and collection of the tolls

Rates of toll.

established and allowed by law, by the act of incor-

porations, which have been heretofore passed by the General Assembly, incorporating other turnpike companies for similar purposes. 1831.

CHAP. DLXXII.

AN ACT to improve Muldrough's Hill, on the road leading from Lexington to Nashville.

Approved, January 15, 1831.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a company shall be, and is hereby formed, under the name, style and title of the Muldrough's Hill Turnpike Company, for the purpose of forming an artificial road over Muldrough's hill, in Washington county, on the main road leading from Lexington to Nashville, in the state of Tennessee. A company to be formed to construct a road across Muldrough's hill.

SEC. 2. *Be it further enacted,* That the capital stock of said company, shall be five thousand dollars, to be divided into shares of one hundred dollars each. Amount of capital stock.

SEC. 3. *Be it further enacted,* That books for the subscription of stock in the said company, shall be opened on the fourth Monday of April, 1831, in the town of Springfield, under the direction of John Hughes and Martin M. Henry; in the town of Lebanon, under the direction of Nicholas Ray and James Fleece; and in the town of Greensburgh, under the direction of Elijah Creel and Peter B. Atwood, or some one or more of them, who are hereby appointed commissioners. Books for the subscription of stock to be opened.

SEC. 4. *Be it further enacted,* That the said commissioners shall proceed to have the said company organized, in conformity to the requisitions of an act, for organizing the Maysville and Washington turnpike company; approved, January 29th, 1829; and when thus organized, it shall possess all the powers and privileges, and be entitled to the like tolls and profits, as are given and granted to the commissioners, and to the president and directors of said Maysville and Washington turnpike company, and so much of the said act, as far as the same shall apply, with the same powers and authorities, shall be granted by this act as if the said recited act were hereby re-enacted. Commissioners authorized to organize the company, &c.

1891.

Governor authorized to subscribe stock on behalf of the state.

Sec. 5. *Be it further enacted,* That it shall be lawful for the Governor, for the time being, to subscribe, on the part of the state, for any number of shares in the stock of said company, not exceeding twenty-five hundred dollars, whenever it shall be certified to him, by the said President and directors of said company, that the balance of the capital stock of said company, has been subscribed by individuals; and the Commonwealth shall be entitled to a dividend, in proportion to the number of shares subscribed by the Governor, as aforesaid. *Provided,* That the state shall not be required to pay any part or interest of said stock, hereby authorized to be subscribed on the part of the state, until it shall satisfactorily appear, that the same amount required to be paid by the state, shall have been paid by other stockholders: And, *provided,* that all the stock shall be paid in gold or silver or paper at its par value.

Proviso.

General meeting for the election of officers to be called.

Sec. 6. *Be it further enacted,* That so soon as the amount of twenty-five hundred dollars, shall be subscribed of the capital stock of said company, the said commissioners or a majority of them, shall, at such time and place as they may appoint, call a meeting of the stockholders, and hold an election for a president and five directors, who shall hold their office for one year, and until others shall be elected and qualified; that on the qualification of said president and directors, they shall appoint a treasurer, and such other officers as they may deem necessary, who shall hold their offices for one year, and until others are appointed; the treasurer shall give bond to the said president and directors, in the penalty of ten thousand dollars, conditioned for the faithful performance of the duties of his office, and that he will, when called on, pay the amount of money in his hands, to the order of the president and directors, and that he will perform the duties required of him, by the by-laws of the said company.

Treasurer to be appointed, and to give bond.

Stock when to be paid in.

Sec. 7. *Be it further enacted,* That the said president and directors, when they enter on the discharge of their duties, may call on the stockholders for the payment of ten dollars, on each share subscribed, and may, if necessary, call on them for ten dollars on each share, every sixty days thereafter, until the whole amount shall be paid, on due notice being, at all times,

given to the stockholders; and if it shall appear that the amount of capital stock herein specified, is not sufficient to accomplish the object of this act, the said president and directors may enlarge the same, to such amount as they may deem necessary.

1831.

Capital stock may be enlarged.

Sec. 8. *Be it further enacted*, That the said president and directors, shall locate said road on as direct a line as the ground will admit of, from the branch, at the foot of Muldrough's hill, on the north east side, running southwardly, in the direction that the road now runs, and as near the old road as practicable, to the foot of the hill, on the opposite side, provided a majority of said president and directors, agree in such location; and they shall cause a plat of said road as located, to be made out and lodged with the treasurer of said company.

President and directors to locate the route of the road.

Sec. 9. *Be it further enacted*, That the Commonwealth of Kentucky, shall have the right, at any time, to buy the stock of said company from the stockholders, upon payment of the amount of said stock, with interest, from the time it shall have been paid to the treasurer of said company, at the rate of six per cent. per annum.

Commonwealth reserves the right to purchase the stock.

Sec. 10. *Be it further enacted*, That as soon as the said road shall be finished to the top of the hill, the said company may erect a toll-gate thereon, and require from all individuals passing the same, with carriages, wagons, horses, cattle, mules, or other property, the amount of toll which the president and directors are authorized to take by the act organizing the Maysville and Washington turnpike, before recited, and the provisions of which act, as far as they are applicable, are hereby re-enacted.

Tolls allowed to be collected upon the completion of the road, and the rates.

Sec. 11. *Be it further enacted*, That in all elections for the officers of said company, the Governor may, if he deems it necessary, appoint an agent or proxy, to attend the meeting of said company, and vote as other stockholders, for and on behalf of the state, and take such part in the proceedings of said company, as other stockholders are authorized to do by this act; and it shall be the duty of the said commissioners, and said president and directors, to give notice to the Governor, of the time and place of holding the said meetings.

State to be represented in the general meetings of the company.

1831.

CHAP. DLXXIII.

AN ACT supplemental to an act, "to amend the law concerning the powers of the Trustees of the town of Glasgow, and for other purposes."

Approved, January 15, 1831.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the provisos, declaring the law shall not take effect, until next December, in an act, entitled "an act to amend the law concerning the powers of the trustees of the town of Glasgow, and for other purposes," be, and the same is hereby repealed.

CHAP. DLXXIV.

AN ACT for the benefit of the Heirs of Nehemiah Webb, deceased.

Approved, January 15, 1831.

Preamble.

WHEREAS, it is represented to the present General Assembly, by the heirs and widow of Nehemiah Webb, that said Webb, died possessed of a tract of land, containing about twenty three acres, lying near Bardstown, on which land he had a grist mill; that he died intestate; that he is indebted to several persons; that there is not a sufficiency of personal property to pay said debts; that the said mill is out of order, and now unfit for use; that the site is valuable; that the county court of Nelson, has allotted to the widow of said Nehemiah, her dower interest in said land; that it would conduce to the interest of said heirs, provided the said land and mill, should be sold for the payment of their ancestor's debts, subject to the dower interest of his widow,

Nelson circuit court may decree a sale of land.

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That upon the heirs of said Nehemiah Webb, exhibiting their bill, in the Nelson circuit court, and satisfying the judge of said court, that the debts of said estate, require the sale of the said twenty-three acres of land and mill, subject to the widow's dower, and that it would be for the benefit of the heirs, that said mill and tract of land should be sold as aforesaid, to decree a sale of said land and mill upon such credit as the court may think expedient.*

Sec. 2. *Be it further enacted*, That after the sale is made, and the purchase money falls due, that the court shall appoint some suitable person to collect and receive the proceeds of said sale, and apply the same in the following manner: first, the payment of the debts, in the order directed by law, then the distribution of the residue, if any, to the adult heirs, as is now directed by law, and then to put the shares of the infant heirs, out at interest, and make an annual report to said court of the disposition of said infant's money.

1831.

How the proceeds of sale are to be applied.

CHAP. DLXXV.

AN ACT to provide for opening a road from the mouth of Shelby's creek, on Sandy river, to the top of Cumberland mountain, in a direction to Jonesborough, in Tennessee.

Approved, January 15, 1831.

WHEREAS, it is represented to this General Assembly, that great conveniences and much good would result to a great portion of our state, provided there was a good road opened from Pikesville, or the mouth of Shelby's creek, on Sandy river, to the top of Cumberland mountain, at which place is the dividing line, between Virginia and Kentucky, in a direction to Jonesborough, in Tennessee: Therefore,

Preamble.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Thomas Owen, sen'r. James P. Harris, Samuel Mars and Samuel May, be appointed commissioners to view and mark said proposed route, and report to the next General Assembly, the practicability of making a good road, to be cut thirty feet wide, smoothly dug, and made firm, either by throwing up or otherwise, eighteen feet wide, and the probable expense of making said road.

Comm'rs to view and mark the road.

Sec. 2. *Be it further enacted*, That any three of said commissioners may act, and before they proceed to the duties required of them by this act, they shall go before some justice of the peace, for Pike county, and take the following oath or affirmation, (as the case may be,) "that they will faithfully perform the duties required of them by this act, to the best of their skill and judgment."

Comm'rs to be sworn.

1831. Sec. 3. *Be it further enacted*, That the said commissioners shall be entitled to the sum of one dollar and fifty cents per day each, for their services, in viewing and making said proposed road, to be paid out of any money in the Treasury, not otherwise appropriated.

Comm'r's pay.

RESOLUTIONS.

A JOINT RESOLUTION to appoint Committees, to examine the Public Offices.

Approved, December 21, 1831.

Resolved by the General Assembly of the Commonwealth of Kentucky, That a joint committee of three from the Senate, and six from the House of Representatives, be appointed to examine the Auditor's office; and three from the Senate, and six from the House of Representatives, to examine the Treasurer's office; and three from the Senate, and six from the House of Representatives, to examine the Register's office.

A RESOLUTION to appoint a Committee of Conference, on the power of the Legislature, to pass laws, authorizing the sale of the real estate of infants and feme covert.

Approved, December 30, 1831.

WHEREAS, a disagreement exists between the Senate and House of Representatives, upon the right of the Legislature, to pass special laws, authorizing the sale of the real estates of Infants and feme covert.

Resolved by the General Assembly of the Commonwealth of Kentucky. That a committee of five members from the Senate, and ten on the part of the House of Representatives, be appointed to confer upon the constitutional right of the Legislature, to pass such bills; and that they report to each house their opinion on the subject.

RESOLUTIONS concerning a road from Jonesborough, in Tennessee, to the mouth of Shelby's creek, on Big Sandy river.

Approved, December 30, 1830.

WHEREAS, it is represented to this present General Assembly, that the opening a free commercial intercourse, between a portion of the southern Atlantic states, and the river Ohio, would greatly aid in facilitating commerce to a portion of those states; and Ken-

tucky would derive great advantages in procuring the article of iron, much cheaper than is now the present price.

It is further represented, that large and respectable meetings of people, have been held in several counties, in the eastern part of Tennessee, which have expressed public opinion, as to the great advantages that would derive by effecting such a desirable object; they have appointed suitable persons as commissioners to examine the practicability of making a road from Jonesborough, in Tennessee, to the mouth of Shelby's creek, on Big Sandy river, from which point there is suitable navigation to the Ohio river. These commissioners having performed that duty, and reported favorable to the opening a road from, and to the points spoken of; and the proposed route having to pass through a part of Virginia and a part of Tennessee: Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky, That the Legislature of the state of Virginia, and the Legislature of the state of Tennessee, be respectfully invited to devise the most practicable plan for opening the proposed road, so far as it shall pass through their respective states.

Be it further resolved, That the executive of this state, be requested to transmit a copy of the foregoing preamble and resolution, to the executive of the state of Virginia, and to the executive of the state of Tennessee, with the request to lay the same before the Legislatures of their respective states.

JOINT RESOLUTION to appoint a committee to examine the books and accounts of the several branches of the bank of the Commonwealth.

Approved, December 30, 1830.

Resolved by the General Assembly of the Commonwealth of Kentucky, That a joint committee of two from the Senate, and four from the House of Representatives, be appointed to examine the books and accounts, returned from the several branches of said bank.

A RESOLUTION fixing a day for the election of a Senator in Congress, a Treasurer, Public Printer, President and Directors of the Bank of Kentucky, and of the Bank of the Commonwealth.

Approved, January 4, 1831.

Resolved by the Senate and House of Representatives, That on Tuesday, the fourth day of January next, they will proceed to the

election of a Senator, to serve in the Senate of the United States for six years, commencing from the third day of March next, to fill the vacancy of the Honorable John Rowan, whose term of service will expire on that day; also, a Treasurer, Public Printer, a President of the Bank of Kentucky, and the Bank of the Commonwealth, and Directors for said Banks. And in electing of the above officers, should there be more than two candidates, no one shall be dropped, because he should be hindmost on the first balloting; but we will ballot on till one of the candidates receives a majority of the members voting. *Provided*, That other candidates may be put in nomination from time to time, for the several offices until there shall be an election, previous to the roll being called at each effort to make an election.

A RESOLUTION directing two rooms in the State House to be fitted up for a Library.

Approved, January 13, 1831.

Resolved by the General Assembly of the Commonwealth of Kentucky, That the superintendent of the public buildings, do as soon as practicable, fit up the two centre rooms of the capitol on the second floor to contain the library and books of the state, and so dispose and arrange them, as to place the statutes and laws of the state, and the United States, and other law books in one room, and the miscellaneous and other books in the other room, and dispose of maps as the rooms will admit.

A RESOLUTION for burning a portion of the notes of the bank of the Commonwealth.

Approved, January 15, 1831.

Resolved by the General Assembly of the Commonwealth of Kentucky, That the president and directors of the bank of the Commonwealth of Kentucky, shall, on or before the first Monday in April next, in the presence of the Governor, Auditor and Treasurer, proceed to count and destroy, by burning, one hundred and fifty thousand dollars of the notes of said bank, that have been withdrawn from circulation; and that they select such of said notes for that purpose, as have been most defaced.

RESOLUTIONS.

REPORT of the committee, appointed to make examination respecting that part of the line, between the states of Kentucky and Tennessee, adjoining the Counties of Trigg, Simpson, &c.

Approved, January 15, 1831.

Your committee will state, that they have carefully and minutely examined the claims of the states of Tennessee and Kentucky, respecting those portions of territory, in the counties of Simpson and Trigg, the boundary line of which seems to be unsettled, and somewhat the subject of dispute. To come to any correct and definite conclusion, it of course became necessary for your committee to have recourse to such testimony, as they could procure, respecting the subject. This testimony consisted of the plat and report of Messrs. Bright and Munsell, the late commissioners appointed by the executive authority of the respective states above named, to ascertain, run and plainly mark the dividing line, between the states of Tennessee and Kentucky, so far as that line concerns the counties of Trigg, Simpson, &c. In addition to this evidence, we had also the explanatory testimony of several gentlemen, whose knowledge of the subject, enable them to give us every necessary information, respecting that part of Walker's line, adjoining the aforesaid counties, as the same is reputed, understood and acted upon, by the said states, their respective officers and citizens. It seems that the aforesaid commissioners, in the discharge of the duties assigned them, by their late appointment, to run and mark said line, after having found and retraced the same, from the south east corner of Allen county, to the county of Simpson, and along said county, till they come to a certain beech tree, in the line, near Drake's creek, found that the said reputed line, here took an offset, south 62 1-2 west, to a certain black jack, standing in the road leading from Nashville to Lexington, and from thence taking another offset, northwardly, to a certain gum tree, standing in Walker's original line. It appears that the territory of country, included in this triangular space, between the beech, black jack and gum, contains some ten or fifteen families, and has always been considered as belonging to Kentucky. The remonstrances of those citizens to the Legislature of Kentucky, in which they loudly complain of the danger which they conceive themselves to be subjected to, of being stricken from the state to which they have heretofore belonged, whose laws and government they know, and have ever recognized and obeyed, and solemnly protest against being expatriated from the country of their choice, has been laid before and examined by us.

Your committee are unanimously of opinion, that the state of Tennessee, ought to recognize the right of Kentucky, to retain this

portion of territory; and that it would be equally improper and unjust, for Kentucky to relinquish or Tennessee to claim the same.

The above named triangular line, has ever been reputed, understood and acted upon, as determining the territorial limits of the two states, by the citizens of the country. It has always been known, as the line separating the jurisdiction of the respective states. The civil rights of those citizens, have always been subject to, and determined by the laws of Kentucky. Many of those are, perhaps, pending and unsettled, consequently, great inconvenience, not to say injustice to those people, would be the result of detaching them from Kentucky. We trust that this will not be done.

With respect to that part of the line, adjoining Trigg county, which also seems to be unsettled, it appears that the aforesaid commissioners found and plainly marked Walker's original line, from the south east corner of Trigg county, till within about one mile of Cumberland river, where it terminated; but the commissioners extended the line, according to its course at the termination, across to the Tennessee river. It appears that they then run due north, from the point where they struck the Tennessee river, until they intersected another line, said to have been run by Walker, eastward, by way of correction of his original line, on the east of Cumberland river. The citizens west of the Cumberland river, included between those two lines, appear to have always been considered as belonging to the state of Tennessee, and they have ever been subject to the jurisdiction of her laws.

Your committee are of opinion, that this part of the country, which includes the greatest portion of doubtful territory, ought still to belong to Tennessee, making the lower or north line, between the rivers Cumberland and Tennessee, the permanent division line, between the states, so far as respects the country between the said rivers. But your committee are unanimously of opinion, that the original line of Walker's, traced and marked by the commissioners, till within about one mile of the Cumberland river, and by them extended to the river, in Trigg county, ought to be established and recognized, as the division line, between the two states. It appears that most of the citizens north of that line, have heretofore considered themselves as Kentuckians, and belonging to Trigg county; it appears also, that those citizens protest against being detached from Kentucky.

Your committee are therefore of opinion, that Walker's original line, as marked by said commissioners, to Cumberland river, thence down the middle of said river, to the line run by Walker, eastwardly from the Tennessee river, by way of correction, to his line east of the Cumberland river, and thence with said line, to the

Tennessee river, ought to be recognized and established by the two states, as the permanent division line of their territory and jurisdiction. And they would recommend that, the proper authorities of the state of Tennessee, be requested to recognize, and requested to co-operate with the proper authorities of the state of Kentucky, in establishing the line, as marked out by the above named commissioners, as appears from the plat and report, and as qualified by this report, to be known and acted upon in future, as the permanent division line, separating the territory, citizens, and civil jurisdiction of the respective states; and your committee, would further recommend, that provision be made by law (in the event of the concurrence of the states respectively, in the establishment of the said line, as above recommended,) for the interest and rights to land adjoining said line, to be tried and governed by the laws of Kentucky or Tennessee, as those persons deriving titles to land from those states respectively, may be thrown by location of the permanent line, between the said states: Wherefore.

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Governor of this Commonwealth, be directed to transmit to the proper authorities of the state of Tennessee, a copy of this report, requesting a recognition of the line, which has been ascertained, run and plainly marked by Bright and Munsell, (the late commissioners appointed by the executive authority, of the respective states, for that purpose,) as qualified by this report, as the permanently established line of division, between the states of Tennessee and Kentucky.

Resolved further, That the Governor of this Commonwealth, be directed, in case the state of Tennessee fails, or refuses to accede to such proposal, to cause the said line to be settled and ascertained by the appointment of arbitrators by the executive authority of the respective states, or otherwise, as he may deem proper.

INDEX.

A		Bennett, Charles, act for his benefit.	18
Adair county, act for benefit of sheriff.	85	Bently, Eli, act for his benefit.	163
Advancement made by an intestate in his lifetime, to be considered as an advancement out of his whole estate.	94	Bernard, Jesse B. act for his benefit.	16
Alford, Tabitha, act for her benefit.	61	Billiard tables, laws allowing license to, repealed.	124
American, authorized to publish advertisements.	9	Blair, Samuel, appropriation to.	81
Antle, Jacob, act for his benefit.	18	Boone county, an additional constable allowed to.	20
Anderson county, act for the benefit of the clerk of the circuit court.	30	Act for benefit of sheriff.	35
Time of holding circuit court changed.	78	Bonta, Mary and Margaret, act for their benefit.	166
Act for the benefit of the sheriff.	113	Bourbon county, gates may be erected across certain roads in.	50
Appropriation of money, annual act.	138	Bracken county, act for benefit of sheriff.	112
Asylum, Lanatic, commissioners of exempted from serving on juries, &c.	91	Act for their benefit.	185
Atcheson, John, act for the benefit of his committee and family.	110	Breckinridge county, felons in Hancock to be confined in their jail.	54
Attorneys for commonwealth, act for appointment of.	68	Part of Ohio added to.	79
Augusta, town of, act organizing fire company in, amended.	59	Act for benefit of sheriff.	112
B		An additional justice allowed to.	158
Bank commonwealth, agents to renew bonds and take oath.	170	Bridges across Rockcastle, act providing for the erection amended.	24-157
Frankfort, stockholders may elect an agent.	123	Salt river act of incorporation amended.	141
Barren county, line between and Edmonson established.	92	Brown, Gustavus, act for his benefit.	168
To open a certain road.	119	Brown, John E. name changed to J. E. Condict.	81
Place of voting at a precinct in, changed.	22	Bullitt county, one term of circuit court extended.	73
Time of holding county court changed.	31	C	
River, big, Silas W. Williams authorized to erect a dam across.	28	Caldwell county, act for benefit of the sheriff.	33
Little, James Jones authorized to erect a dam across south fork.	58	Certain roads in, how to be improved.	90
Bath county, act for the benefit of sheriff.	9	Caldwell, John, a tomb stone to be erected over his grave.	168
Act of 1829, concerning road in repealed.	10	Calloway county, an additional constable allowed to.	20
Time of holding circuit court changed.	143	Election precinct established in.	95
Bayou de Chien, navigation company incorporated.	150	Place of voting in a precinct changed.	22
Beauchamp, Jere. authorized to raise his dam on Salt river	91	Act for benefit of sheriff.	112
		Time of holding circuit courts.	162
		Carlisle town of trustees, authorized to lease a street.	96
		Authorized to purchase fire engine.	180
		Casey county, road from court house in direction to Springfield to be opened.	48

Time of holding fall term of circuit court.	143	intestates' estates, when an advancement has been made.	94
May change location of state road.	171	Estill county, fines and forfeitures in, how appropriated.	28
Gates, Joshua, act for his benefit.	35	Seminary, act concerning the lands belonging to.	77
Christian county, fines and forfeitures in, how appropriated.	28	F	
Place of voting in a precinct in, changed.	34	Fannan, Elizabeth, divorced.	53
County court authorized to open a certain road.	48	Feland, Wm. late a justice in Warran to deliver up his records.	137
One term of circuit court changed.	82	Ferries, restored to town of Columbus, in Hickman county.	148
Clarke county, gates may be erected across certain roads in.	50	Fines and forfeitures, in Madison, Christian, Estill and Russell, how appropriated.	28
Clay county, act for benefit of clerk of both courts in.	12	Fire company, in Paris regulated.	13
County court, when to be held.	24	In Lexington and Augusta, act to organize, amended.	59
Clerks, not to charge soldiers of the revolution fees for certain services.	113	Engine may be purchased by Nicholas county court, &c.	189
May take acknowledgement of deeds out of their offices, &c.	132	Fisher, Wm. act for his benefit.	65
Clover Port, town of trustees appointed, and their powers.	58	Fleming county, election precinct established in.	95
Colemansville, town of, established and regulated.	86	Flood, Wm. act for the benefit of his heirs.	167
Columbus, town of, ferry privileges restored to.	148	Floyd county, gates may be erected across a certain road in.	51
Combs, Jeremiah, permitted to build a dam across North fork Kentucky.	83	Frankfort bank, stockholders authorized to elect an agent.	123
Conveyances, laws regulating amended.	128	Argus authorized to publish advertisements.	32
Covington, town of, the several acts regulating amended.	52	Franklin county, time of holding circuit courts.	78
Crook, William, appropriation to.	97	Mt. Pleasant, school house in, trustees incorporated.	162
Cumberland county, act concerning roads in.	82	Frizzle, Archd. act for his benefit.	28
River, act to improve navigation of Big south fork.	92	G	
D		Gallatin county, act for benefit of the clerk of the circuit court.	30
Dallam, Wm. S. act for benefit of his children.	98	Time of holding circuit courts.	78
Davies county, terms of circuit court extended.	82	Act for the relief of the sheriff.	161
Deeds, laws regulating the mode of authenticating, recording, &c.	128	Garrard county, gates may be erected across certain roads in.	50
Descents, law of amended.	94	Geddings, Elizabeth, act for the benefit of her heirs.	160
Donaldson, John, act for the benefit of his devisees.	176	General court, summer term altered.	78
Duelling, law amended.	25	General Recorder, authorized to publish certain orders.	9
E		Givens, Samuel, his executors authorized to convey lands.	171
Edmondson county, act for benefit of sheriff.	54	Glasgow, town of, powers of trustees enlarged.	173
Line between and Baren established.	92	Act amended.	216
Estates, mode of distribution of		Gleaner and Cynthiana Republican, authorized to publish advertisements.	64
		Graves county, an additional justice allowed to.	24

INDEX.

227

Time of holding circuit courts. 162
 Grayson county, an additional justice allowed to. 158
 Green county, place of voting in a precinct in, changed. 34
 Greenup county, Ratliff precinct in, abolished. 34
 Additional justice allowed to. 158
 Act to amend their road law. 185
 Grifley, Thomas, act for his benefit. 48
 Griffin, Elizabeth, act for her benefit amended. 61
 Guardians, law in relation to amended. 167
H
 Hackley, John and Lucy, act for their benefit. 55
 Hanna, John, his ware house in Hickman county established. 118
 Hancock county, felons to be confined in Breckinridge jail. 54
 Time of holding circuit court changed. 82
 May increase their levy. 99
 Hardin county, additional constable allowed to. 20
 Time of holding county court changed, and proceedings for 1830 legalized. 23
 Hardin, Wm. act for his benefit. 181
 Harlan county, an additional constable allowed to. 20
 Hawsville, trustees appointed, and their powers. 58
 Hawkins, John, act for benefit of his heirs. 86
 Head right settlers, act for their benefit. 19
 Heavner, Christopher, act for his benefit. 69
 Henderson county, time of holding circuit court changed. 82
 Election precinct established in. 85
 Henry county, time of holding circuit court fixed. 78
 Number of constables in, reduced. 109
 Port Ryal precinct established. 79
 Herrod, James, act for his benefit. 33
 Hickman county, place of voting at an election precinct in, changed. 22
 Allowed an additional justice. 24
 Town of Moscow, and, seminary of learning established in. 56
 Hanna's ware house in, established. 118

Time of holding circuit courts. 161
 Monaker James, act for his benefit. 18
 Hopkins county, county courts when to be held, and proceedings legalized. 23
 Act for benefit of surveyor. 60
 Election precinct established in. 85
 An additional justice allowed to. 158

I & J

Jamison, Jackson D. name changed to J. D. Richardson. 80
 Jefferson county, regulations concerning voting in precincts. 22
 Authorized to establish a ferry on Underwood's application. 113
 Criminal terms of, regulated. 104
 Jeffersonville, trustees how to be appointed. 60
 Internal Improvement, board of in Shelby county, may erect a toll gate, &c. 29-203
 Big south fork of Cumberland river to be improved, 92
 (See Roads.)
 Jones, Elizabeth, act for the benefit of her heirs. 135
 Jones, James, authorized to erect dam across south fork of Little Barren. 58
 Judd, John, Register to receive a copy of a survey. 114
 Judicial districts, 16th district formed. 161
 14th and 7th regulated. 161

K

Kentucky river, James Lewis permitted to build a mill dam across North fork. 69
 Jeremiah Combs allowed same privilege. 83
 Kerns Adam, act for his benefit. 18
 Knox county, additional constable allowed to. 20

L

Ladd James, act for the benefit of his widow and heirs. 158
 Land, seaters and improvers to have the preference in appropriating vacant land. 147
 Appropriated, for benefit of Whitley turnpike road. 182
 Appropriated, to improve navigation of Big south fork of Cumberland river. 92
 Act for benefit of Headright and Tellico settlers. 19
 Warrants for, appropriated to.

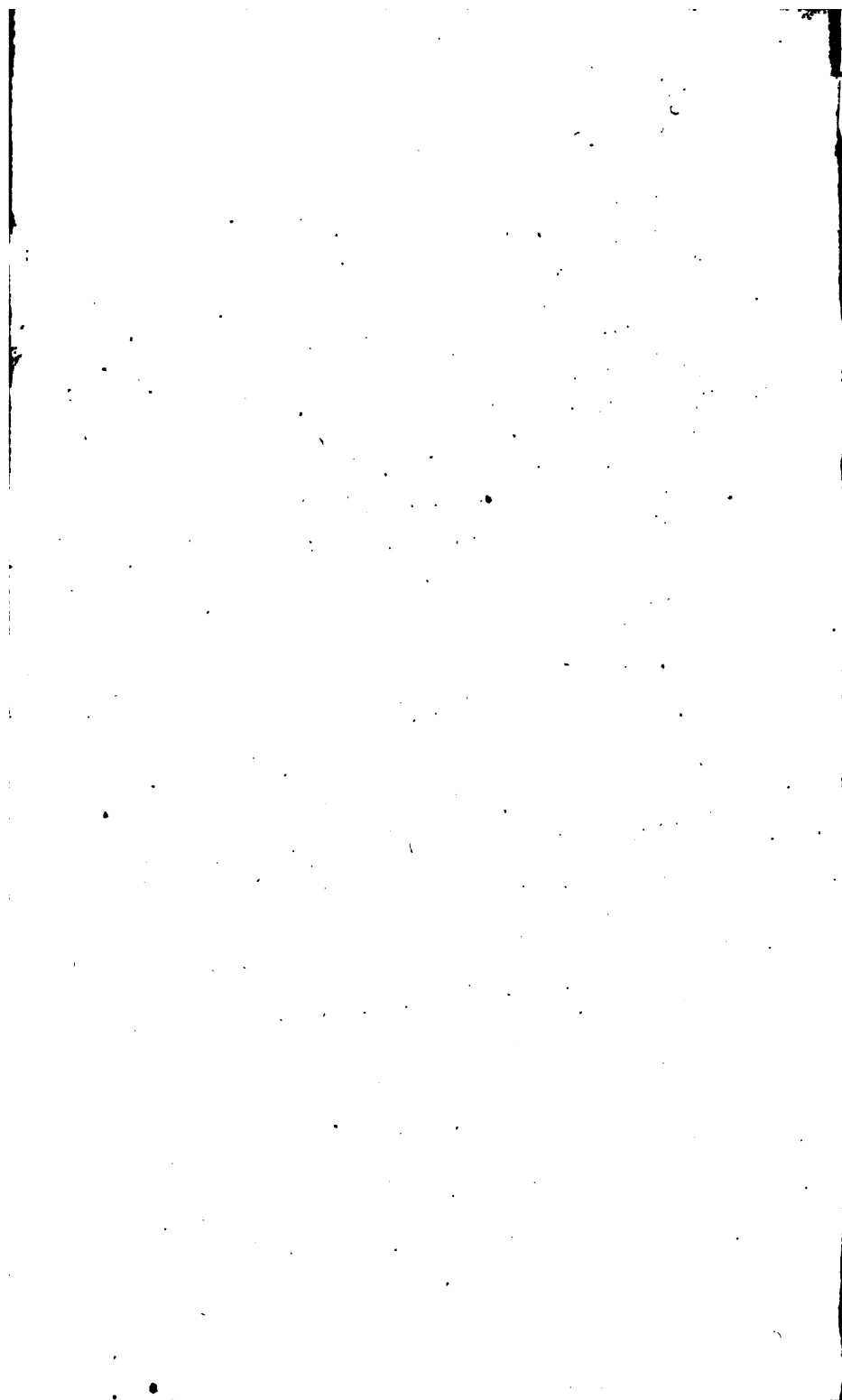
- wards opening a road in Casey and Pulaski counties. 48
- West of Tennessee, settlers to have pre-emptive right to enter. 89
- Appropriated, to roads in Perry. 209
- Laurel county, an election precinct established in, and another regulated. 34-132
- Boundary between, and Rockcastle established. 84
- Proceedings of county court legalized. 106
- Lawrence county, an additional constable allowed to. 20
- Time of holding circuit court. 148
- Lear, John, act for the benefit of his heirs. 111
- Lewis, James, permitted to build a mill dam across North fork Kentucky river. 69
- Act for benefit of his devisees. 177
- Lewis County, time of holding circuit court changed. 26
- Act for benefit of the coroner. 23
- Lexington, town of, act organizing fire company in, amended. 59
- Regulated and divided into wards. 133
- Liberty, town of, election of trustees legalized. 19
- Meeting house in Logan county trustees incorporated. 25
- Lincoln county, time of holding county courts. 144
- Livingston county, an election precinct established in. 95
- Lockridge James, act for his benefit. 164
- Logan county, trustees of Liberty meeting house in, incorporated. 25
- Louisville turnpike company, act amended. 62
- Journal, authorized to publish advertisements. 30
- Lunatic Asylum, commissioners of, exempted from serving on juries, &c. 91
- M
- Madison county, may regulate certain turnpike gates in. 131
- Fines and forfeitures in, how to be appropriated. 28
- Gates may be erected across certain roads in. 50
- Library company incorporated. 11
- Mason county, additional constable allowed to. 20
- An election precinct established in. 35
- M'Ilvain and Smith, act for their benefit. 96
- M'Collom James, act. for benefit of his heirs. 97
- M'Cord, Lydia, act for the benefit of her, and children. 178
- M'Kinney, James, venne in his case changed. 107
- M'Crackin county, place of voting at a precinct in, changed. 22
- Time of holding circuit courts. 161
- Money, act for the appropriation of. 138
- Monroe county, place of voting in a precinct changed. 79
- Fines and forfeitures in, to be applied to improving roads. 82
- Sheriff authorized to give bond for collection of revenue, &c. 162
- Montee, John, act for his benefit. 67
- Montgomery county, act for benefit of sheriff of. 9
- Academy, act of 1822 repealed. 59
- Mt. Pleasant, school house in Franklin county, trustees incorporated. 162
- Morgan county, time of holding county court changed. 19
- Time of holding circuit courts. 143
- Place of voting in Paint precinct changed. 34
- Gates may be erected across certain roads in. 51
- Morse, James, act. for his benefit. 33
- Moscow, town of, established in Hickman county. 56
- Mount Vernon, town of, water street in, to be worked by overseer of road. 62
- N
- Navigation, company of bayou de Chien incorporated. 150
- Nelson, Ann Eliza, divorced. 37
- Nelson county, time of holding circuit courts changed. 31
- New Castle, trustees of, authorized to sell part of their public ground. 17
- Nicholas county, court may appropriate money to purchase a fire engine. 180
- O
- Oath, against duelling, to have reference to 1st Dec. 1830. 25
- Ohio county, part added to Brekinridge. 79
- Oldham county, one term of circuit court extended. 72

P	
Paris, fire company to be organized in	13
Palmore, Wm., venue in his case changed.	107
Passways, act concerning amended.	68
Penitentiary, keeper appointed after 1832.	156
Perkins, Henry, act for the benefit of his heirs.	165
Perry county, may sell their seminary lands to improve state road.	200
Additional justice and constables allowed to.	21
Pike county, gates may be erected across certain roads in.	51
Time of holding circuit courts changed.	143
Pilot Knob meeting house, trustees incorporated.	17
Political Examiner, advertisements may be published in.	9
Powers of attorney, to convey land, how to be authenticated.	129
Pulaski county, part added to Wayne.	47
Appropriation to improve roads in.	49
R	
Resolutions of the session.	219
Roads, from Mountsterling to the wilderness road, act amended.	30
From Garrard county to Casey, part of route changed.	32
From Louisville to Bardstown, company incorporated to make.	37
From Bardstown to Springfield, and to Lebanon.	37
Commissioners for examining road from Georgetown to Cincinnati, allowed for their services.	47
Law concerning the road amended.	68
From Hopkinsville to Wooldriges coal banks, to be opened.	48
From Casey court houses, in a direction to Springfield to be opened.	48
In Pulaski county, appropriation for the improvement of.	49
Louisville turnpike company, act amended.	62
Wilderness, overseer of Crab Orchard road.	62

From Hopkinsville to Columbus, to be opened.	70
From Mountsterling to Virginia, altered in Floyd and Morgan.	72
General law in relation to keeping the roads in repair, amended.	90
Certain, in Caldwell county, how improved.	90
From Cloverport to Bowling-green, to be kept in repair by the counties thro' which it runs.	91
Sandy road, an appropriation to aid in its repair.	100
From Frankfort to King's ferry, on the Ohio, to be viewed and opened.	114
Maysville, &c turnpike, state to take stock, &c., and charter amended.	117
From mouth of Salt river.	118
From Prewetts' knob, to Maupin's, in Barren county.	119
From Beaver iron works to state line, appropriation to improve, &c.	145
From Owenton to Ghent, to be viewed and opened.	169
Gates on wilderness road, may be regulated by Madison county court.	181
Act to improve Muldrough's bill.	213
Whitley turnpike road further regulated.	182
Law regulating roads in Green-up county, amended.	185
Lexington and Kentucky turnpike road company, incorporated.	189
From Estill to the Virginia line, act providing for its improvement.	200
In Shelby county, act to amend the act, constituting board of internal improvements in.	203
Frankfort and Lexington turnpike road company, incorporated.	210
Act providing for opening a road from Pikeville to Cumberland mountain.	217
Rockcastle county, boundry between, and Laurel established.	84
River, act authorizing the erection of bridges across, amended.	24-154

- Richardson, Fanny, act for her benefit. 166
- Ricks, Wm., act for benefit of his heirs. 122
- Rodgers, Barnett, act for the benefit of his administrators. 200
- Rough creek, a mill dam may be erected across. 105
- Russell county, fines and forfeitures in, how appropriated. 28
- S
- Salt river, Rolling fork, Beauchamp's dam across may be built higher. 81
- Bridges across, law concerning amended, 141
- Sandy river, David and John Trimble authorized to erect a dam across. 28-144
- Scott, Joel, appointed keeper of penitentiary, from 1832. 156
- Seminary established at Moscow in Hickman county. 56
- Settlers, west of Tennessee, act for their benefit. 89
- On vacant land, to have notice before it can be taken up. 147
- Shelby county, act to amend the act constituting a board of internal improvements. 203
- Time of holding circuit court. 78
- Shelbyville, town of, additional powers vested in the trustees. 52
- Shrader Geo., his heirs may erect a dam across Rough creek. 105
- Simpson county, trustees of Pilot knob meeting house, incorporated. 17
- Time of holding circuit court changed. 28
- Smithland, town of, powers of the trustees increased. 15
- Spencer county, act for benefit of clerk of circuit court. 12
- Additional constable allowed to Place of voting in a precinct changed. 22
- One term of circuit court extended. 73
- Springfield, town of, further regulated. 134
- Staton, John, act for his benefit. 85
- Stewart, Quinton, act for benefit of his heirs. 86
- Stockton, Geo., act for benefit of his devisees. 176
- St. Rose, literary institution of, in Washington county, incorporated. 119
- T
- Taylor, Thomas, jr. may erect a dam across Rough creek. 105
- Tellico Settlers, act for their benefit. 19
- Thomas, Wm., act for his benefit. 171
- Todd county, time of holding circuit court changed. 23
- Trabue, Daniel, act for his benefit. 18
- Trimble, Daniel and John, authorized to erect a dam across Sandy river. 27-144
- Turnham, David, venue in his case changed. 74
- Turnpikes, from Louisville to Bardstown, and on to Springfield and Lebanon, company incorporated to make. 37
- Act concerning the Louisville company amended. 62
- From Maysville to Lexington, act amended. 117
- Wilderness road, gates in Madison county may be regulated by them. 181
- In Whitley county, further regulated. 182
- Lexington and Kentucky company incorporated. 189
- In Shelby county, act amended. 29-203
- Frankfort and Lexington company incorporated. 210
- U
- Underwood, Peleg, court of Jefferson authorized to establish a ferry. 113
- Union, authorized to publish advertisements. 9
- County, time of holding circuit court changed. 82
- V
- Vandiver, Charles, location of state road in Casey county, may be changed through his lands. 171
- W
- Ward, Jacob, act for his benefit. 65
- Wards, law in relation to the estates of, amended. 167
- Warren county, Feland a late justice in, to deliver up records. 137
- Warner, Elijah, act for the benefit of his heirs. 98
- Wayne county, additional constable allowed to. 21
- Additional justice allowed to. 24
- Place of holding elections in a precinct changed. 22
- Court of Claims to be held in September. 23

Part of Pulaski added to,	47	Whitley county, proceedings of county court legalized.	106
May permit gates to be erected across a certain road,	51	Turnpike road in, further regulated.	182
To improve navigation of Big south fork of Cumberland river.	92	Williams, Silas M. authorized to erect a dam across Big Barren river.	28
Washington county, time of holding one term of circuit court, changed.	32	Wilmington, town of, trustees to sell and convey unsold lots.	57
Election precinct established in.	51-96	Woodford academy, trustees may sell their lots.	210
Academy, act for benefit of.	84	Woodley, Andrew, appropriation to.	21
St. Rose in, incorporated.	119	Woodford, John, act for his benefit.	164
Public roads in, regulated.	136		
An additional justice allowed to.	158		
Webb, Nehemiah, act for the benefit of his heirs.	216		



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